

***2006 U.S. CHAMBER OF COMMERCE  
STATE LIABILITY SYSTEMS  
RANKING STUDY***

**Final Report**  
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MARKET RESEARCH

***The Harris Poll***<sup>®</sup> PEOPLE

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## INTRODUCTION

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*The 2006 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform among a national sample of in-house general counsel or other senior litigators at public corporations. This study was conducted between November 2005 and March 2006. In previous research conducted in November 2004 to February 2005, December 2003 to February 2004, December 2002 to February 2003 and January to February 2002, similar rankings were created and analyzed, however this year, we have expanded the rankings to include areas that were not previously covered. This year's ranking is therefore new and *not directly comparable* to previous years' rankings.

The goal was to explore how reasonable and fair the tort liability system is perceived to be by U.S. business. Broadly, the survey focused on perceptions of state liability systems in the following areas:

- Having and Enforcing Meaningful Venue Requirements (new this year)
- Tort and Contract Litigation
- Treatment of Class Action Suits and Mass Consolidation Suits (mass consolidation has been added this year)
- Punitive Damages
- Timeliness of Summary Judgment/Dismissal
- Discovery
- Scientific and Technical Evidence
- Non-economic Damages (new this year)
- Judges' Impartiality and Competence
- Juries' Predictability and Fairness

## METHODOLOGICAL OVERVIEW

All interviews for *The 2006 State Liability Systems Ranking Study* were conducted by telephone among a nationally representative sample of senior attorneys at companies with annual revenues of at least \$100 million. Interviews averaging 24 minutes in length were conducted with a total of 1,456 respondents and took place between November 28, 2005 and March 7, 2006. The sample was segmented into two main groups. Of the 1,456 respondents, 88 were from insurance companies, with the remaining 1,368 interviews being conducted among public corporations from other industries.

A detailed survey methodology including a description of the sampling and survey administration procedures as well as further respondent profile information is contained in Appendix A. The past years' rankings can be found in Appendix B and the complete questionnaire is found in Appendix C.

## NOTES ON READING TABLES

The base (“N”) on each question is the total number of respondents answering that question. An asterisk (\*) on a table signifies a value of less than one-half percent (0.5%). A dash represents a value of zero. Percentages may not always add up to 100% because of computer rounding or the acceptance of multiple answers from respondents answering that question. Note that in some cases results may be based on small sample sizes. Caution should be used in drawing any conclusion from results based on these small samples.

States were given a grade (“A”, “B”, “C”, “D”, “F”) by respondents for each of the key elements of their liability systems. Tables show the ratings of the states by these grades, the percentage of respondents giving each grade, and the mean grade for each element. The mean grade was calculated by converting the letter grade using a 5.0 scale where “A” = 5.0, “B” = 4.0, “C” = 3.0, “D” = 2.0, “F” = 1.0. Therefore, the mean score displayed can also be interpreted as a letter grade. For example, a mean score of 2.8 could be seen as roughly a “C-” grade. Ties between states with matching mean scores were ranked by looking at the percentage of “A” grades, the base sizes and any rounding that may have taken place.

For the “Ranking on Key Elements” tables, states were ranked by their mean grades on that element. Ties between states with matching mean grades were ranked by looking at the percentage of “A” grades.

The “Overall Ranking of State Liability Systems” table was calculated by creating an index using the scores given on each of the key elements. All of the key element items were highly correlated with one another, and with overall performance. The differences in the relationship between each item and overall performance were trivial, so it was determined that each item should contribute equally to the index score. The index was created from the mean across the 12 items, which was rescaled from 0 to 100 prior to averaging them together.

## PROJECT RESPONSIBILITY AND ACKNOWLEDGEMENTS

The Harris team responsible for the design and analysis of *The State Liability Systems Ranking Study* included Humphrey Taylor, Chairman, *The Harris Poll*; Regina Corso, Research Director and Gwendolyn Radsch, Senior Research Associate. We would like to acknowledge Linda Kelly from the U.S. Chamber Institute for Legal Reform and Judyth Pendell of Pendell Consulting, LLC, for their invaluable contributions to the design, content, focus and analysis of the project. Harris Interactive is responsible for the final determination of topics, question wording, collection of the data, statistical analysis and interpretation in the report.

## PUBLIC RELEASE OF SURVEY FINDINGS

All Harris surveys are designed to comply with the code and standards of the Council of American Survey Research Organizations (CASRO) and the code of the National Council of Public Polls (NCPP). Should data from the survey be released to the public, any release must stipulate that the complete report is also available.

## EXECUTIVE SUMMARY

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*The 2006 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform among a national sample of in-house general counsel or other senior corporate litigators to explore how reasonable and fair the tort liability system is perceived to be by U.S. business. The 2006 ranking builds on previous years' work in 2005, 2004, 2003 and 2002 where each year all 50 states are ranked by those familiar with the litigation environment in that state. Prior to these rankings, information regarding the attitudes of the business world towards the legal systems in each of the states had been largely anecdotal. The State Liability Systems Ranking Study aims to quantify how corporate attorneys view the state systems. The 2006 ranking has expanded from previous years to include areas that were not originally measured: venue requirements, mass consolidation suits and non-economic damages. While we can look to the past years' rankings to see general movement, a direct trend from previous years cannot be made.

There has been an improvement in the number of senior attorneys surveyed who view the state court liability system favorably, **with a net increase of 10 percentage points between 2003 and 2006 in those indicating the system is excellent or pretty good, although a majority of those surveyed continue to view the system as only fair or poor.** Further, and perhaps more importantly, **a large majority (70%) report that the litigation environment in a state is likely to impact important business decisions** at their company, such as where to locate or do business.

*[See Tables 1 and 2]*

Respondents were first screened for their familiarity with states, and those who were very or somewhat familiar with the litigation environment in a given state were then asked to evaluate that state. It is important to remember that **courts and localities within a state may vary a great deal** in fairness and efficiency. However, respondents had to evaluate the state as a whole. To explore the detailed nuances within each state would have required extensive questioning for each state and was beyond the scope and purpose of this study. However, other studies have demonstrated this variability within a state. For example, several studies have documented very high class-action activity in certain county courts such as Madison County, Illinois and Jefferson County, Texas, revealing that these counties have “magnet courts” that are extremely hospitable to plaintiffs. Thus, it is possible that some states received low grades due to the negative reputation of one or two of their counties or jurisdictions.

Respondents were asked to give states a grade (“A”, “B”, “C”, “D” or “F”) in each of the following areas: having and enforcing meaningful venue requirements, overall treatment of tort and contract litigation, treatment of class action suits and mass consolidation suits, punitive damages, timeliness of summary judgment or dismissal, discovery,



scientific and technical evidence, non-economic damages, judges' impartiality and competence, and juries' predictability and fairness. These grades were combined to create an **overall ranking of state liability systems**.<sup>1</sup> According to the U.S. businesses surveyed, the **states doing the best job of creating a fair and reasonable litigation environment are Delaware, Nebraska, Virginia, Iowa, and Connecticut. The bottom five states today are West Virginia, Louisiana, Mississippi, Alabama and Hawaii.** [See Table 3A]

States were also ranked by each of the key elements making up the overall grade.<sup>2</sup> While some states remained leaders across the elements, some states stood out as getting particularly high or low ratings on certain elements.

- For **having and enforcing meaningful venue requirements**, an item added to the rankings this year, the top five states are: Virginia, Delaware, Nebraska, North Carolina and Indiana. The bottom five states are: West Virginia, Louisiana, Mississippi, Alabama and Illinois. [See Table 8]
- For **overall treatment of tort and contract litigation**, today the top five states are: Delaware, Virginia, Nebraska, Iowa, and Indiana. In 2005, the top five consisted of Delaware, Nebraska, North Dakota, Virginia, and Iowa. Today the bottom five states are: West Virginia, Mississippi, Louisiana, Alabama, and Hawaii. In 2005, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and California. [See Table 8]<sup>3</sup>
- For **treatment of class action suits and mass consolidation suits**, the top five states are: Delaware, Nebraska, Iowa, Connecticut and Arizona. In previous years, we only asked about **treatment of class action suits** and in 2005 the top five consisted of Delaware, Nebraska, North Dakota, Iowa and South Dakota. The bottom five states on the revised element are: West Virginia, Louisiana, Alabama, Mississippi and California. In 2005, the bottom five states were: West Virginia, Alabama, Louisiana, Illinois and California [See Table 8]
- For **punitive damages**, today the top five states are: Delaware, Virginia, Iowa, Indiana and North Dakota. In 2005, the top five states consisted of: Delaware, North Dakota, Idaho, Indiana and Virginia. The bottom five states today are: West Virginia, Mississippi, Alabama, California, and Illinois. The bottom five states in 2005 were: Mississippi, Alabama, West Virginia, Illinois, and California. [See Table 8]

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<sup>1</sup> The "Overall Ranking of State Liability Systems" table was calculated by creating an index using the scores given on each of the key elements. All of the key element items were highly correlated with one another and with overall performance. The differences in the relationship between each item and overall performance were trivial, so it was determined that each item should contribute equally to the index score. The index was created from the mean across the 10 items, which was rescaled from 0 to 100 prior to averaging them together.

<sup>2</sup> For the "Ranking on Key Elements" tables, states were ranked by their mean grades on that element. Ties between states with matching mean grades were resolved by looking at the percentage of "A" grades, the base sizes and any rounding that may have taken place.

<sup>3</sup> While we are providing comparisons to the previous year's rankings on these elements, please note this is for anecdotal reasons only. Due to the change in the overall structure of this year's survey, we can not directly trend this data.

- For **timeliness of summary judgment or dismissal**, today the top five states are: Delaware, Virginia, South Dakota, Nebraska, and Maine. In 2005, the top five states consisted of: Delaware, Nebraska, Virginia, North Dakota, and Idaho. The bottom five states are: West Virginia, Louisiana, Mississippi, Hawaii, and Alabama. In 2005, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and California. *[See Table 8]*
- For **discovery**, today the top five states are: Delaware, Virginia, Nebraska, Iowa and New Hampshire. In 2005, the top five consisted of: Delaware, North Dakota, Nebraska, Virginia, and New Hampshire. The bottom five states today are: West Virginia, Louisiana, Mississippi, Alabama, and Hawaii. The bottom five states in 2005 were: Mississippi, West Virginia, Alabama, Louisiana, and California. *[See Table 8]*
- For handling of **scientific and technical evidence**, today the top five states are: Delaware, Virginia, Colorado, New York, and Nebraska. In 2005, the top five states consisted of: Delaware, Washington, Virginia, Nebraska, and Minnesota. The bottom five states today are: West Virginia, Mississippi, Louisiana, Alabama, and Hawaii. In 2005, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Arkansas. *[See Table 8]*
- For **non-economic damages**, an item added to the rankings this year, the top five states are: Delaware, Nebraska, Virginia, North Dakota and Iowa. The bottom five states are: West Virginia, Louisiana, Mississippi, Alabama and California. *[See Table 8]*
- For **judges' impartiality**, this year the top five states are: Delaware, Virginia, Nebraska, Iowa, and Connecticut. In 2005, the top five states consisted of: Delaware, Nebraska, Iowa, North Dakota, and Maine. The bottom five states today are: Louisiana, West Virginia, Mississippi, Alabama, and Hawaii. In 2005, the bottom five states were: Mississippi, West Virginia, Louisiana, Alabama, and Illinois. *[See Table 8]*
- For **judges' competence**, today the top five states are: Delaware, Virginia, Nebraska, Connecticut and Iowa. In 2005, the top five states were: Delaware, Virginia, Minnesota, Colorado, and Iowa. The bottom five states today are: West Virginia, Louisiana, Mississippi, Alabama and Hawaii. In 2005, the bottom five states were: Mississippi, West Virginia, Alabama, Louisiana, and Illinois. *[See Table 8]*
- For **juries' predictability**, today the top five states are: Nebraska, Connecticut, Iowa, Delaware and Wisconsin. In 2005, the top five states were: Delaware, Nebraska, North Dakota, Wyoming, and Iowa. The bottom five states today are: Mississippi, Louisiana, California, Hawaii and Alabama. In 2005, the bottom five states were: Mississippi, Alabama, Louisiana, West Virginia, and California. *[See Table 8]*
- For **juries' fairness**, today the top five states are: Nebraska, Iowa, Connecticut, Delaware and Indiana. In 2005, the top five states were: Nebraska, Delaware, North Dakota, South Dakota, and Iowa. The bottom five states today are: Mississippi, Louisiana, West Virginia, Alabama and Hawaii. In 2005, the bottom five states were: Mississippi, Alabama, West Virginia, Louisiana, and Illinois. *[See Table 8]*

The study also asked respondents to name the most important issue that state policymakers who care about economic development should focus on to improve the litigation environment in their state. This year our top two responses were reversed from last year. Reform of punitive damages was cited by 25% of our respondents (as compared to 16% of the respondents in 2005) and 17% of our respondents named tort reform in general as the most important issue (as compared to 22% of respondents last year). Other top issues named were limitation of class action lawsuits (named by 9% of respondents this year and 6% in 2005), fairness and impartiality (8% this year as compared to 5% in 2005), limits on non-economic damages (7% in 2006 while not being mentioned by even 1% in 2005), and elimination of unnecessary lawsuits (7% in 2006 as compared to 4% in 2005). *[See Table 9]*

In order to understand if there are any cities or counties which might impact a state's ranking, respondents were asked which five cities or counties have the least fair and reasonable litigation environments, a question first asked in 2004. The worst jurisdiction was Los Angeles, California (mentioned by 20% of the respondents), followed by Texas (various other jurisdictions) which was mentioned by 15% of the respondents. At third worst is Cook County (Chicago), Illinois, mentioned by 14%, closely followed by Madison County in Illinois (cited by 13% of the respondents). Following are the New York Greater Metropolitan Area (mentioned by 11% of the respondents), California (various other jurisdictions) (mentioned by 8% of the respondents), and then Alabama (various other jurisdictions) and New Orleans Parish, Louisiana (each mentioned by 7% of respondents). Dade County (Miami), Florida (cited by 6% of respondents) and Mississippi (various other jurisdictions) (mentioned by 5% of respondents) rounded off the top ten mentions. In total, the state of California received the most mentions as having a jurisdiction with the least fair and reasonable litigation environment (mentioned by 40% of respondents), followed by Illinois (with 31% of respondents who mentioned a jurisdiction in that state) and Texas (cited by 29% of respondents. *[See Tables 5 and 6]*

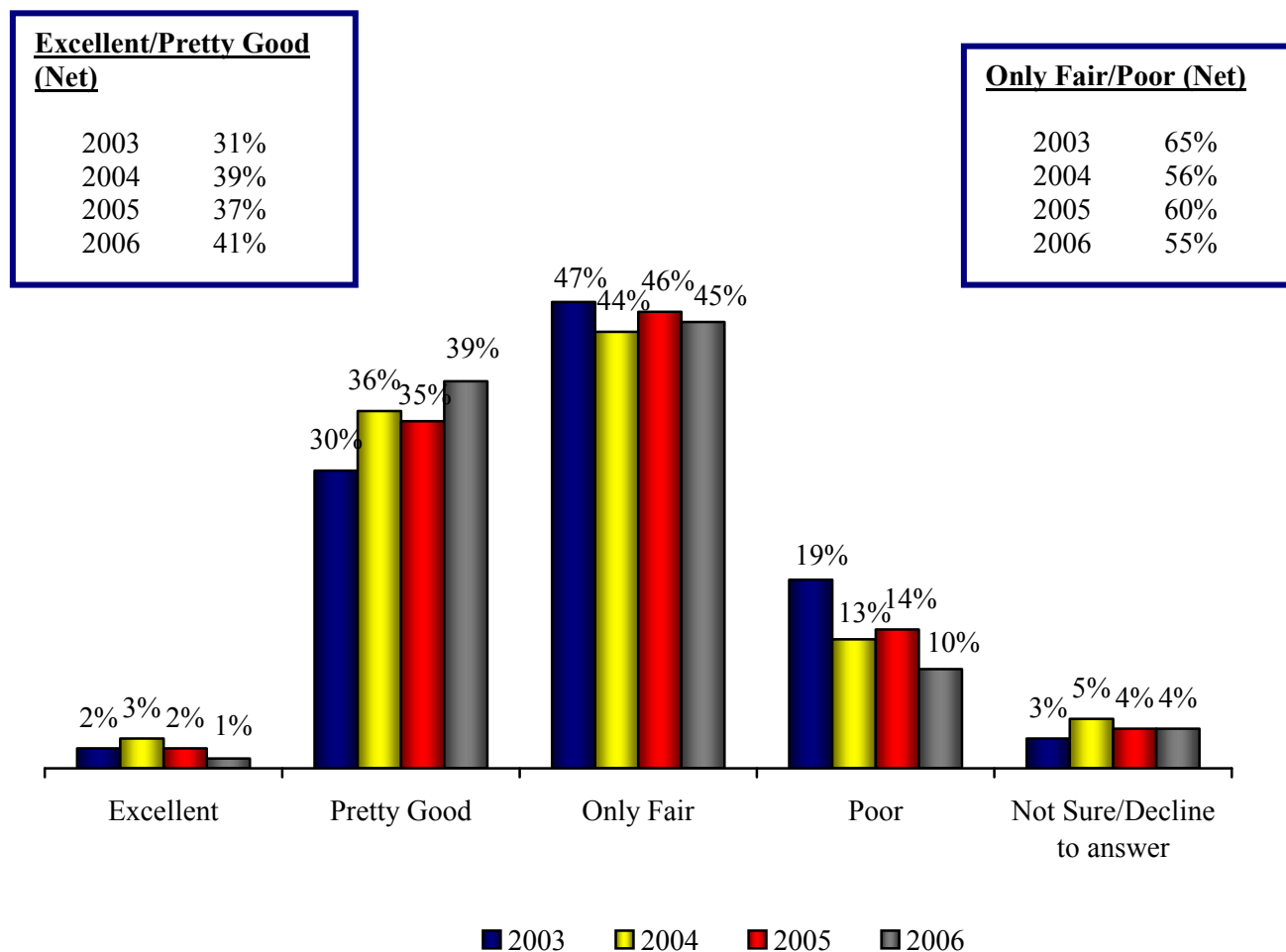
This year, in order to understand why respondents feel negatively about particular jurisdictions, a follow-up question was added to those who cited a jurisdiction. The top reason given as to why a city or county has the least fair and reasonable litigation environment is biased judgment, given by 18% of respondents, and is the number one reason by a large margin. The next tier is led by a personal experience, mentioned by only 5% of respondents, followed by incompetent jury/judges, corrupt/unfair system and having seen/read a case, each mentioned by 4% of respondents. *[See Table 7]*

In conclusion, one important point to note is that these rankings and results are based on the perceptions of these senior corporate attorneys. It is also important to realize that the perceptions may be based on certain cities or counties within the state. But, as we have noted in the past, perception does become linked with reality. If the states can change the way litigators and others perceive their liability systems, we may find considerable movement in their rankings in the future. Once these perceptions change, the overall business environment may be deemed more hospitable as well.

**DETAILED TABLES OF RESULTS**

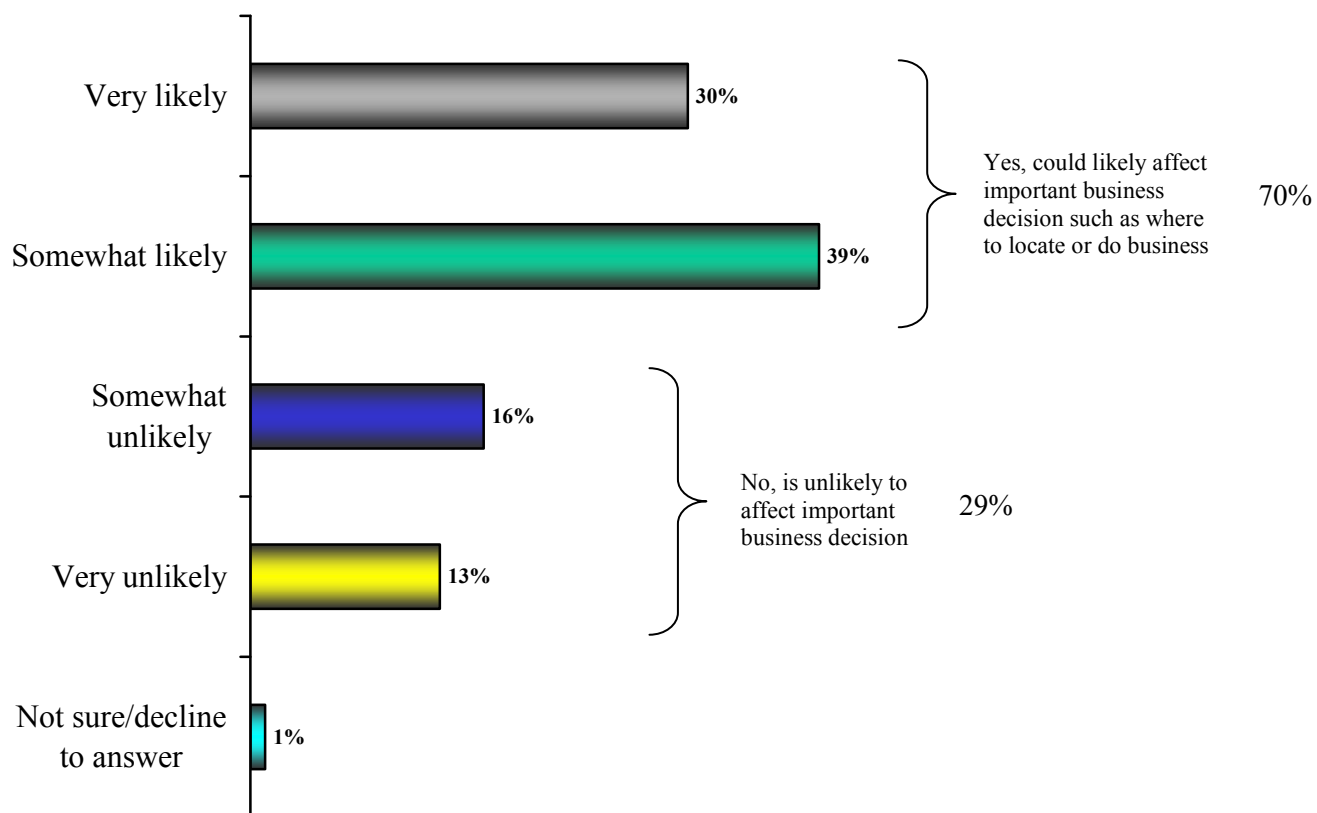
Table 1

Overall Rating of State Court Liability Systems in America



**Table 2**

**Impact of Litigation Environment on Important Business Decisions  
Such as Where to Locate or do Business**



**Table 3A**  
**Overall Ranking of State Liability Systems**

STATE	2006 <sup>4</sup>		
	RANK	SCORE <sup>5</sup>	N
Delaware	1	74.9	108
Nebraska	2	71.5	78
Virginia	3	71.1	121
Iowa	4	68.8	109
Connecticut	5	66.9	90
New Hampshire	6	66.0	81
South Dakota	7	65.7	56
Colorado	8	65.6	100
Maine	9	65.5	66
North Carolina	10	65.2	98
Indiana	11	65.2	99
North Dakota	12	65.2	51
Arizona	13	65.1	98
Minnesota	14	65.0	83
Kansas	15	64.5	110
Wyoming	16	64.2	66
Utah	17	64.2	103
Idaho	18	64.0	70
Ohio	19	63.5	139
Maryland	20	63.4	91
New York	21	63.2	217
Michigan	22	63.1	125
Wisconsin	23	62.6	110
Vermont	24	62.3	61
New Jersey	25	61.4	141
Rhode Island	26	61.1	91
Georgia	27	61.0	118
Washington	28	60.7	139
Tennessee	29	59.9	109
Oregon	30	59.8	89
Pennsylvania	31	59.3	157
Massachusetts	32	59.0	125
Oklahoma	33	58.8	100
Kentucky	34	58.0	101
Missouri	35	57.8	109
Alaska	36	56.2	58
Nevada	37	56.0	85
Florida	38	55.2	209
Montana	39	54.8	70
New Mexico	40	54.2	96
Arkansas	41	54.1	99
South Carolina	42	53.9	95
Texas	43	52.0	243
California	44	49.8	317
Illinois	45	49.2	229
Hawaii	46	48.0	74
Alabama	47	44.4	125
Mississippi	48	39.7	143
Louisiana	49	39.0	137
West Virginia	50	37.3	137

<sup>4</sup> 2006 rankings are based on a new ranking system, therefore they are distinct from prior year's rankings which can be found in Appendix B.

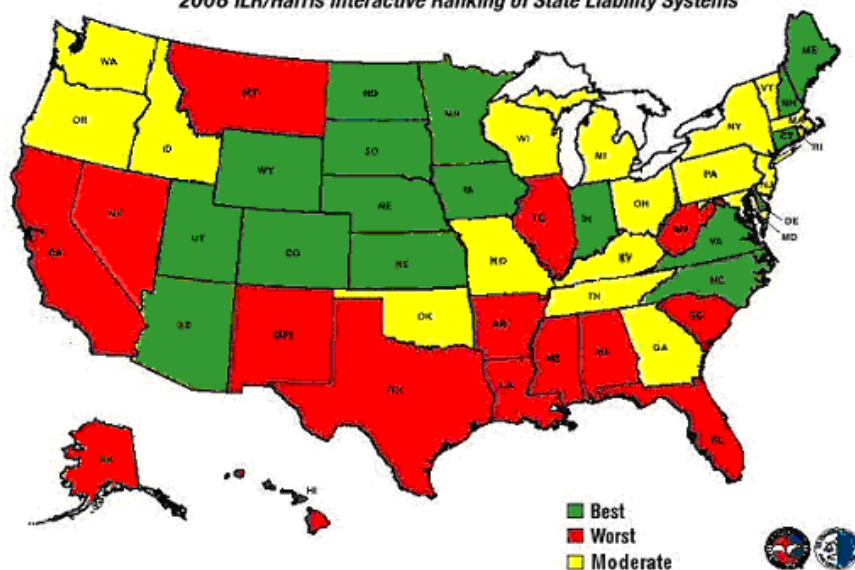
<sup>5</sup> Scores displayed in this table have been rounded to one decimal point. However, when developing the ranking, scores were evaluated based on two decimal points. The column labeled "N" represents the number of evaluations for a given state

Table 3B

Map of Overall Ranking of State Liability Systems<sup>6</sup>

## Best to Worst Legal Systems in America

2006 ILR/Harris Interactive Ranking of State Liability Systems



### Best

1. Delaware
2. Nebraska
3. Virginia
4. Iowa
5. Connecticut
6. New Hampshire
7. South Dakota
8. Colorado
9. Maine
10. North Carolina
11. Indiana
12. North Dakota
13. Arizona
14. Minnesota
15. Kansas
16. Wyoming
17. Utah

### Moderate\*

18. Idaho
19. Ohio
20. Maryland
21. New York
22. Michigan
23. Wisconsin
24. Vermont
25. New Jersey
26. Rhode Island
27. Georgia
28. Washington
29. Tennessee
30. Oregon
31. Pennsylvania
32. Massachusetts
33. Oklahoma
34. Kentucky
35. Missouri

### Worst

36. Alaska
37. Nevada
38. Florida
39. Montana
40. New Mexico
41. Arkansas
42. South Carolina
43. Texas
44. California
45. Illinois
46. Hawaii
47. Alabama
48. Mississippi
49. Louisiana
50. West Virginia

\*Neither Best, nor Worst

States listed as "Best" had a total score exceeding 64.0, those listed as "Moderate" had scores of 64.0 to 56.0, those listed as "Worst" had scores of 57.0 or lower.



**Table 4**

**Most Important Issues for State Policymakers Who Care About Economic  
Development to Focus on to Improve Litigation Environment**

	<b>Total</b>
	<b>%</b>
Reform of punitive damages	<b>25</b>
Tort reform issues in general	<b>17</b>
Limitation of class action suits	<b>9</b>
Fairness and impartiality	<b>8</b>
Caps/limits on non-economic damages	<b>7</b>
Eliminate unnecessary lawsuits	<b>7</b>
Judicial competence	<b>6</b>
Speeding up the trial process	<b>5</b>
Forum shopping/venue selection	<b>3</b>
Appointment vs. elections of judges	<b>3</b>
Timeliness of decisions	<b>3</b>
Limiting attorney fees	<b>3</b>
Selection of judges	<b>3</b>
Caps/limits on jury awards	<b>3</b>
Caps/limits on liability lawsuit awards	<b>2</b>
Attorney/court fees paid by the loser	<b>2</b>
Predictability	<b>2</b>
Quality of judges	<b>2</b>
Workers' compensation	<b>2</b>
Limits on discovery	<b>2</b>
Joint and several liability	<b>2</b>
Medical malpractice	<b>2</b>
Adequately funding the court system (i.e. salaries)	<b>2</b>
Level playing field/do not favor plaintiffs	<b>2</b>

\*Note: The responses displayed in this table were volunteered by the respondents. Mentions by 2% or more are given above.

**Table 5****Cities or Counties with the Least Fair and Reasonable Litigation Environment\***

	<b>Total</b>
	<b>%</b>
Los Angeles, California	<b>20</b>
Texas (various other jurisdictions)**	<b>15</b>
Chicago/Cook County, Illinois	<b>14</b>
Madison County, Illinois	<b>13</b>
New York Greater Metropolitan Area (including Newark, New Jersey)	<b>11</b>
California (various other jurisdictions)**	<b>8</b>
Alabama (various other jurisdictions)**	<b>7</b>
New Orleans Parish, Louisiana	<b>7</b>
Dade County (Miami), Florida	<b>6</b>
Mississippi (various other jurisdictions)**	<b>5</b>
Philadelphia, Pennsylvania	<b>4</b>
Houston, Texas	<b>4</b>
Florida (various other jurisdictions)**	<b>4</b>
Illinois (various other jurisdictions)**	<b>4</b>
St. Louis, Missouri	<b>3</b>
Georgia (various other jurisdictions)**	<b>3</b>
Jackson, Mississippi	<b>3</b>
Detroit, Michigan	<b>3</b>
West Virginia (various other jurisdictions)**	<b>3</b>
Hidalgo County, Texas	<b>2</b>
Washington DC	<b>2</b>
St. Clair, Illinois	<b>2</b>
Jefferson County, Texas	<b>2</b>
Boston, Massachusetts	<b>2</b>
Dallas-Ft. Worth, Texas	<b>2</b>
Harris County, Texas	<b>2</b>
Wayne County, Michigan	<b>2</b>
Louisiana (various other jurisdictions)**	<b>2</b>
Washington (various other jurisdictions)**	<b>2</b>

\*Note: The responses displayed in this table were volunteered by the respondents. Mentions by at least 2% given above.

\*\*Note: Respondents mentioned a wide variety of other jurisdictions in the following states: Alabama, California, Florida, Georgia, Illinois, Louisiana, Mississippi, Texas, Washington and West Virginia. Because no single jurisdiction predominated within these states, these responses are listed as "[state name] (various other jurisdictions)".

**Table 6**  
**Top Specific City or County Courts by State\***

	<b>RANKED BY STATE</b>
Base size:	1,456 %
<u>California (all mentions)</u>	40
Los Angeles	20
San Francisco	10
Other jurisdictions mentioned	8
<u>Illinois (all mentions)</u>	31
Chicago/Cook County	14
Madison County	13
St. Clair	2
Other jurisdictions mentioned	4
<u>Texas (all mentions)</u>	29
Houston	4
Beaumont	3
Hidalgo County	2
Jefferson County	2
Dallas-Ft. Worth	2
Harris County	2
Other jurisdictions mentioned	15
<u>New York (all mentions, including Newark, NJ)</u>	12
Greater Metropolitan area (including Newark, NJ)	11
Other jurisdictions mentioned	*
<u>Florida (all mentions)</u>	10
Miami-Dade County	6
Other jurisdictions mentioned	4
<u>Louisiana (all mentions)</u>	9
New Orleans Parish	7
Other jurisdictions mentioned	2
<u>Mississippi (all mentions)</u>	8
Jackson	3
Other jurisdictions mentioned	5
<u>Alabama (all mentions)</u>	7
Various jurisdictions mentioned	7

\*Note: The responses displayed in this table were volunteered by the respondents. Those with 100 mentions or more when asked about which jurisdiction has the least fair/reasonable litigation environment above. Due to rounding and multiple responses, these percentages may not add up to 100%.

**TABLE 7****Top Issues Mentioned as Creating the LEAST Fair and Reasonable Litigation Environment**

	<b>Total</b>
Base size:	1,456
	%
Biased judgment	18
Personal experience	5
Incompetent jury/judges	4
Corrupt/unfair system	4
Have seen/read about a case	4
Unfair jury/judges	3
Unpredictable jury/judges	3
Judgments	3
General corruption	3
Slow process	2
High jury awards	2
Dislike the jury/judges	2
General inconvenience	1
Too liberal	1
Allow forum shopping	1
High jury verdicts	1

\*Note: The responses displayed in this table were volunteered by the respondents. Mentions by at least 1% are given above.

**Table 8****Summary of Top/Bottom 5 States By Key Elements****Having and Enforcing Meaningful Venue Requirements**

<b>BEST</b>	<b>WORST</b>
Virginia	West Virginia
Delaware	Louisiana
Nebraska	Mississippi
North Carolina	Alabama
Indiana	Illinois

**Treatment of Tort and Contract Litigation**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Virginia	Mississippi
Nebraska	Louisiana
Iowa	Alabama
Indiana	Hawaii

**Treatment of Class Action Suits and Mass Consolidation Suits**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Virginia	Louisiana
Nebraska	Alabama
Iowa	Mississippi
Connecticut	California

**Punitive Damages**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Virginia	Mississippi
Iowa	Alabama
Indiana	California
North Dakota	Illinois

**Timeliness of Summary Judgment or Dismissal**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Virginia	Louisiana
South Dakota	Mississippi
Nebraska	Hawaii
Maine	Alabama

**Table 8 (Cont'd)**
**Summary of Top/Bottom 5 States By Key Elements**
**Discovery**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Virginia	Louisiana
Nebraska	Mississippi
Iowa	Alabama
New Hampshire	Hawaii

**Scientific and Technical Evidence**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Virginia	Mississippi
Colorado	Louisiana
New York	Alabama
Nebraska	Hawaii

**Non-economic Damages**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Nebraska	Louisiana
Virginia	Mississippi
North Dakota	Alabama
Iowa	California

**Judges' Impartiality**

<b>BEST</b>	<b>WORST</b>
Delaware	Louisiana
Virginia	West Virginia
Nebraska	Mississippi
Iowa	Alabama
Connecticut	Hawaii

**Judge's Competence**

<b>BEST</b>	<b>WORST</b>
Delaware	West Virginia
Virginia	Louisiana
Nebraska	Mississippi
Connecticut	Alabama
Iowa	Hawaii

**Table 8 (Cont'd)**

**Summary of Top/Bottom 5 States By Key Elements**

**Juries' Predictability**

<b>BEST</b>	<b>WORST</b>
Nebraska	Mississippi
Connecticut	Louisiana
Iowa	California
Delaware	Hawaii
Wisconsin	Alabama

**Juries' Fairness**

<b>BEST</b>	<b>WORST</b>
Nebraska	Mississippi
Iowa	Louisiana
Connecticut	West Virginia
Delaware	Alabama
Indiana	Hawaii

## **STATE RANKINGS BY KEY ELEMENTS**



Table 9

## State Rankings for Having and Enforcing Meaningful Venue Requirements

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Virginia	1	Rhode Island	26
Delaware	2	Utah	27
Nebraska	3	Kansas	28
North Carolina	4	Kentucky	29
Indiana	5	Tennessee	30
Iowa	6	Oklahoma	31
New York	7	Wyoming	32
Wisconsin	8	Nevada	33
Connecticut	9	Massachusetts	34
Minnesota	10	Washington	35
Idaho	11	Florida	36
South Dakota	12	Alaska	37
Colorado	13	Missouri	38
Maine	14	South Carolina	39
Arizona	15	Arkansas	40
Pennsylvania	16	Texas	41
New Jersey	17	California	42
Oregon	18	Montana	43
Michigan	19	Hawaii	44
Ohio	20	New Mexico	45
North Dakota	21	Illinois	46
Maryland	22	Alabama	47
New Hampshire	23	Mississippi	48
Georgia	24	Louisiana	49
Vermont	25	West Virginia	50

**Table 10****State Rankings for Overall Treatment of Tort and Contract Litigation**

<b>STATE</b>	<b>ELEMENT RANKING</b>	<b>STATE</b>	<b>ELEMENT RANKING</b>
Delaware	<b>1</b>	Wisconsin	<b>26</b>
Virginia	<b>2</b>	Rhode Island	<b>27</b>
Nebraska	<b>3</b>	New Jersey	<b>28</b>
Iowa	<b>4</b>	Massachusetts	<b>29</b>
Indiana	<b>5</b>	Washington	<b>30</b>
South Dakota	<b>6</b>	Pennsylvania	<b>31</b>
Connecticut	<b>7</b>	Oregon	<b>32</b>
North Carolina	<b>8</b>	Kentucky	<b>33</b>
New Hampshire	<b>9</b>	Missouri	<b>34</b>
Arizona	<b>10</b>	Oklahoma	<b>35</b>
Colorado	<b>11</b>	Alaska	<b>36</b>
Kansas	<b>12</b>	Nevada	<b>37</b>
New York	<b>13</b>	Florida	<b>38</b>
Maryland	<b>14</b>	South Carolina	<b>39</b>
Minnesota	<b>15</b>	New Mexico	<b>40</b>
Utah	<b>16</b>	Arkansas	<b>41</b>
North Dakota	<b>17</b>	Montana	<b>42</b>
Wyoming	<b>18</b>	Texas	<b>43</b>
Georgia	<b>19</b>	Illinois	<b>44</b>
Michigan	<b>20</b>	California	<b>45</b>
Maine	<b>21</b>	Hawaii	<b>46</b>
Idaho	<b>22</b>	Alabama	<b>47</b>
Vermont	<b>23</b>	Louisiana	<b>48</b>
Tennessee	<b>24</b>	Mississippi	<b>49</b>
Ohio	<b>25</b>	West Virginia	<b>50</b>

**Table 11****Treatment of Class Action Suits and Mass Consolidation Suits**

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	Oklahoma	26
Virginia	2	Oregon	27
Nebraska	3	Rhode Island	28
Iowa	4	Vermont	29
Connecticut	5	Missouri	30
Arizona	6	New Jersey	31
Kansas	7	Pennsylvania	32
North Dakota	8	Nevada	33
South Dakota	9	Massachusetts	34
Wyoming	10	Minnesota	35
Idaho	11	Washington	36
New York	12	Alaska	37
Georgia	13	Montana	38
Utah	14	Florida	39
Ohio	15	South Carolina	40
Indiana	16	New Mexico	41
Colorado	17	Texas	42
New Hampshire	18	Arkansas	43
North Carolina	19	Hawaii	44
Michigan	20	Illinois	45
Maine	21	California	46
Maryland	22	Mississippi	47
Tennessee	23	Alabama	48
Wisconsin	24	Louisiana	49
Kentucky	25	West Virginia	50

\* Virginia and Mississippi do not have class actions but both have mass consolidation suits (*source: U.S. Chamber Institute for Legal Reform*).

**Table 12**  
**Punitive Damages**

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	Tennessee	23
Virginia	2	Rhode Island	24
Iowa	3	Kentucky	25
Indiana	4	Wisconsin	26
North Dakota	5	Pennsylvania	27
Kansas	6	Oklahoma	28
North Carolina	7	Arkansas	29
Utah	8	Missouri	30
Wyoming	9	New Mexico	31
Michigan	10	Oregon	32
Colorado	11	Nevada	33
South Dakota	12	South Carolina	34
Ohio	13	Alaska	35
Connecticut	14	Texas	36
Maine	15	Florida	37
Minnesota	16	Montana	38
Georgia	17	Hawaii	39
Arizona	18	Illinois	40
Idaho	19	California	41
Vermont	20	Alabama	42
Maryland	21	Mississippi	43
New York	22	West Virginia	44

\*Louisiana, Massachusetts, Nebraska, New Hampshire, New Jersey, and Washington are not included because they do not allow punitive damages in general (*source: U.S. Chamber Institute for Legal Reform*).

**Table 13****Timeliness of Summary Judgment/Dismissal**

<b>STATE</b>	<b>ELEMENT RANKING</b>	<b>STATE</b>	<b>ELEMENT RANKING</b>
Delaware	<b>1</b>	Georgia	<b>26</b>
Virginia	<b>2</b>	Tennessee	<b>27</b>
South Dakota	<b>3</b>	Rhode Island	<b>28</b>
Nebraska	<b>4</b>	Pennsylvania	<b>29</b>
Maine	<b>5</b>	New Jersey	<b>30</b>
New Hampshire	<b>6</b>	Missouri	<b>31</b>
Minnesota	<b>7</b>	Kentucky	<b>32</b>
Wyoming	<b>8</b>	Massachusetts	<b>33</b>
Iowa	<b>9</b>	Alaska	<b>34</b>
Indiana	<b>10</b>	New York	<b>35</b>
Arizona	<b>11</b>	Oklahoma	<b>36</b>
Idaho	<b>12</b>	Nevada	<b>37</b>
Utah	<b>13</b>	Montana	<b>38</b>
North Dakota	<b>14</b>	Florida	<b>39</b>
Colorado	<b>15</b>	Texas	<b>40</b>
Ohio	<b>16</b>	Arkansas	<b>41</b>
North Carolina	<b>17</b>	New Mexico	<b>42</b>
Wisconsin	<b>18</b>	South Carolina	<b>43</b>
Vermont	<b>19</b>	Illinois	<b>44</b>
Michigan	<b>20</b>	California	<b>45</b>
Connecticut	<b>21</b>	Alabama	<b>46</b>
Maryland	<b>22</b>	Hawaii	<b>47</b>
Washington	<b>23</b>	Mississippi	<b>48</b>
Kansas	<b>24</b>	Louisiana	<b>49</b>
Oregon	<b>25</b>	West Virginia	<b>50</b>

**Table 14****Discovery**

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	Georgia	26
Virginia	2	Washington	27
Nebraska	3	Rhode Island	28
Iowa	4	Oregon	29
New Hampshire	5	Tennessee	30
Wyoming	6	Kentucky	31
North Carolina	7	Pennsylvania	32
Indiana	8	Missouri	33
Colorado	9	Oklahoma	34
Connecticut	10	Massachusetts	35
Idaho	11	Montana	36
Vermont	12	Nevada	37
Wisconsin	13	South Carolina	38
Arizona	14	Texas	39
Ohio	15	Alaska	40
Maryland	16	Florida	41
South Dakota	17	New Mexico	42
North Dakota	18	Arkansas	43
Maine	19	Illinois	44
Kansas	20	California	45
New York	21	Hawaii	46
Michigan	22	Alabama	47
Minnesota	23	Mississippi	48
Utah	24	Louisiana	49
New Jersey	25	West Virginia	50

**Table 15**  
**Scientific and Technical Evidence**

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	South Dakota	26
Virginia	2	North Dakota	27
Colorado	3	Wisconsin	28
New York	4	Indiana	29
Nebraska	5	Tennessee	30
North Carolina	6	Missouri	31
Massachusetts	7	Vermont	32
Connecticut	8	Kansas	33
Minnesota	9	California	34
Iowa	10	Texas	35
New Jersey	11	Nevada	36
Arizona	12	Kentucky	37
New Hampshire	13	Oklahoma	38
Ohio	14	Montana	39
Maine	15	Alaska	40
Rhode Island	16	Florida	41
Utah	17	New Mexico	42
Washington	18	South Carolina	43
Maryland	19	Illinois	44
Wyoming	20	Arkansas	45
Michigan	21	Hawaii	46
Georgia	22	Alabama	47
Pennsylvania	23	Louisiana	48
Oregon	24	Mississippi	49
Idaho	25	West Virginia	50

**Table 16****Non-economic Damages**

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	New Jersey	26
Nebraska	2	Washington	27
Virginia	3	Pennsylvania	28
North Dakota	4	Massachusetts	29
Iowa	5	Alaska	30
Colorado	6	Maryland	31
Kansas	7	Wisconsin	32
South Dakota	8	Oklahoma	33
Utah	9	Oregon	34
North Carolina	10	Missouri	35
Indiana	11	Arkansas	36
Idaho	12	Kentucky	37
Connecticut	13	Montana	38
New Hampshire	14	Florida	39
Wyoming	15	Nevada	40
Maine	16	New Mexico	41
Ohio	17	Texas	42
Arizona	18	South Carolina	43
Minnesota	19	Illinois	44
Michigan	20	Hawaii	45
Georgia	21	California	46
Vermont	22	Alabama	47
Tennessee	23	Mississippi	48
Rhode Island	24	Louisiana	49
New York	25	West Virginia	50



**Table 17****Judges' Impartiality**

<b>STATE</b>	<b>ELEMENT RANKING</b>	<b>STATE</b>	<b>ELEMENT RANKING</b>
Delaware	<b>1</b>	Vermont	<b>26</b>
Virginia	<b>2</b>	Michigan	<b>27</b>
Nebraska	<b>3</b>	Pennsylvania	<b>28</b>
Iowa	<b>4</b>	Massachusetts	<b>29</b>
Connecticut	<b>5</b>	Georgia	<b>30</b>
Colorado	<b>6</b>	Missouri	<b>31</b>
Wyoming	<b>7</b>	Tennessee	<b>32</b>
Maryland	<b>8</b>	Rhode Island	<b>33</b>
South Dakota	<b>9</b>	Oklahoma	<b>34</b>
New Hampshire	<b>10</b>	Alaska	<b>35</b>
Wisconsin	<b>11</b>	Florida	<b>36</b>
Indiana	<b>12</b>	Kentucky	<b>37</b>
North Dakota	<b>13</b>	Nevada	<b>38</b>
Minnesota	<b>14</b>	California	<b>39</b>
New Jersey	<b>15</b>	Arkansas	<b>40</b>
New York	<b>16</b>	South Carolina	<b>41</b>
Maine	<b>17</b>	Montana	<b>42</b>
Arizona	<b>18</b>	New Mexico	<b>43</b>
Utah	<b>19</b>	Texas	<b>44</b>
North Carolina	<b>20</b>	Illinois	<b>45</b>
Idaho	<b>21</b>	Hawaii	<b>46</b>
Oregon	<b>22</b>	Alabama	<b>47</b>
Kansas	<b>23</b>	Mississippi	<b>48</b>
Washington	<b>24</b>	West Virginia	<b>49</b>
Ohio	<b>25</b>	Louisiana	<b>50</b>

**Table 18**  
**Judges' Competence**

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Delaware	1	Oregon	26
Virginia	2	Vermont	27
Nebraska	3	Michigan	28
Connecticut	4	Georgia	29
Iowa	5	Rhode Island	30
Maryland	6	Pennsylvania	31
New Hampshire	7	Missouri	32
Minnesota	8	Tennessee	33
Colorado	9	Alaska	34
Wisconsin	10	Oklahoma	35
Maine	11	Kentucky	36
Arizona	12	California	37
North Carolina	13	Montana	38
Utah	14	Florida	39
New York	15	New Mexico	40
Kansas	16	Nevada	41
Washington	17	Arkansas	42
New Jersey	18	Illinois	43
North Dakota	19	Texas	44
Indiana	20	South Carolina	45
Idaho	21	Hawaii	46
South Dakota	22	Alabama	47
Massachusetts	23	Mississippi	48
Wyoming	24	Louisiana	49
Ohio	25	West Virginia	50

**Table 19****Juries' Predictability**

<b>STATE</b>	<b>ELEMENT RANKING</b>	<b>STATE</b>	<b>ELEMENT RANKING</b>
Nebraska	<b>1</b>	Michigan	<b>26</b>
Connecticut	<b>2</b>	Oklahoma	<b>27</b>
Iowa	<b>3</b>	Kentucky	<b>28</b>
Delaware	<b>4</b>	New York	<b>29</b>
Wisconsin	<b>5</b>	New Jersey	<b>30</b>
New Hampshire	<b>6</b>	Pennsylvania	<b>31</b>
Minnesota	<b>7</b>	Georgia	<b>32</b>
Maine	<b>8</b>	Oregon	<b>33</b>
Indiana	<b>9</b>	New Mexico	<b>34</b>
North Carolina	<b>10</b>	Massachusetts	<b>35</b>
Kansas	<b>11</b>	South Carolina	<b>36</b>
Virginia	<b>12</b>	Montana	<b>37</b>
South Dakota	<b>13</b>	Missouri	<b>38</b>
Utah	<b>14</b>	Washington	<b>39</b>
Vermont	<b>15</b>	Alaska	<b>40</b>
Idaho	<b>16</b>	Florida	<b>41</b>
Arizona	<b>17</b>	Nevada	<b>42</b>
North Dakota	<b>18</b>	Texas	<b>43</b>
Ohio	<b>19</b>	Illinois	<b>44</b>
Arkansas	<b>20</b>	West Virginia	<b>45</b>
Maryland	<b>21</b>	Alabama	<b>46</b>
Rhode Island	<b>22</b>	Hawaii	<b>47</b>
Colorado	<b>23</b>	California	<b>48</b>
Wyoming	<b>24</b>	Louisiana	<b>49</b>
Tennessee	<b>25</b>	Mississippi	<b>50</b>

**Table 20****Juries' Fairness**

STATE	ELEMENT RANKING	STATE	ELEMENT RANKING
Nebraska	1	Michigan	26
Iowa	2	New York	27
Connecticut	3	Oklahoma	28
Delaware	4	Massachusetts	29
Indiana	5	Oregon	30
Virginia	6	New Jersey	31
Wisconsin	7	Washington	32
Minnesota	8	Kentucky	33
North Dakota	9	Georgia	34
Colorado	10	Alaska	35
North Carolina	11	Montana	36
Kansas	12	Arkansas	37
South Dakota	13	Missouri	38
Wyoming	14	Nevada	39
Arizona	15	Florida	40
Maine	16	New Mexico	41
Ohio	17	South Carolina	42
New Hampshire	18	Texas	43
Utah	19	Illinois	44
Vermont	20	California	45
Idaho	21	Hawaii	46
Maryland	22	Alabama	47
Rhode Island	23	West Virginia	48
Pennsylvania	24	Louisiana	49
Tennessee	25	Mississippi	50

## **INDIVIDUAL STATE RANKINGS**

**(IN ALPHABETICAL ORDER)**

### **Notes on reading the tables:**

The following tables show the individual state rankings. For each state, the 2006 overall state ranking is shown. Also displayed is the number of evaluations of each state (shown as the “N=xxx”).

Respondents who evaluated each state were first asked to rate the following elements of a state liability system: having and enforcing meaningful venue requirements, tort and contract litigation, treatment of class action suits and mass consolidation suits, punitive damages, timeliness of summary judgment/dismissal, discovery, scientific and technical evidence, non-economic damages, judges’ impartiality and competence, and juries’ predictability and fairness.

Then, respondents were asked whether there was any other element that is critical to the liability system of the state they were evaluating. If respondents could identify another element, this response was recorded along with the number of respondents (N) who provided this response. The top five responses shown are labeled as “Additional Volunteered Items” on each individual state table on the following pages. The number of people who provided volunteer responses is very small (less than 50) and therefore caution should be exercised when interpreting the findings from these items.

An asterisk (\*) on a table signifies a value of less than one-half percent (0.5%). A dash represents a value of zero. Percentages may not always add up to 100% because of computer rounding or the acceptance of multiple answers from respondents answering that question. Note that in some cases results may be based on small sample sizes. Caution should be used in drawing any conclusion from results based on these small samples.

**Table 21****Alabama****2006 Overall Ranking: 47****Ratings on Key Elements of State Liability Systems (n=125)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	3	23	32	14	10	3.0	47
Overall Treatment of Tort and Contract Litigation	%	1	19	29	31	13	2.6	47
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	16	26	18	20	2.5	47
Punitive Damages	%	2	15	24	23	25	2.4	42
Timeliness of Summary Judgment or Dismissal	%	2	18	38	18	11	2.8	46
Discovery	%	1	23	46	10	8	3.0	47
Scientific and Technical Evidence	%	2	18	34	19	9	2.8	47
Non-economic Damages	%	2	14	37	17	18	2.6	47
Judges' Impartiality	%	3	25	34	19	8	3.0	47
Judges' Competence	%	2	24	39	14	7	3.0	47
Juries' Predictability	%	2	25	29	21	11	2.8	46
Juries' Fairness	%	-	17	34	26	12	2.6	47
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>-</b>	<b>20</b>	<b>36</b>	<b>27</b>	<b>14</b>	<b>2.6</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS<sup>7</sup>****TOTAL**

N=15

# of respondents who named each item

Reform punitive damages  
Tort reform legislation  
Election of judges  
Cap on damages

3  
2  
2  
2

<sup>7</sup> The responses displayed in this table were volunteered by the respondents. Items listed above are individual elements mentioned by 8% or more of respondents who said that there is an additional element to be taken into account when grading that state, thus the total number of responses may not equal "N."

**Table 22****Alaska****2006 Overall Ranking: 36****Ratings on Key Elements of State Liability Systems (n=58)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	17	40	7	-	3.4	37
Overall Treatment of Tort and Contract Litigation	%	7	21	45	12	2	3.2	36
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	14	26	12	2	3.1	36
Punitive Damages	%	5	17	34	17	5	3.0	35
Timeliness of Summary Judgment or Dismissal	%	9	16	41	14	2	3.2	34
Discovery	%	2	38	33	10	2	3.3	40
Scientific and Technical Evidence	%	5	16	41	5	2	3.3	40
Non-economic Damages	%	3	31	29	12	3	3.2	30
Judges' Impartiality	%	16	31	14	17	5	3.4	35
Judges' Competence	%	10	36	21	12	3	3.5	34
Juries' Predictability	%	5	24	29	19	3	3.1	40
Juries' Fairness	%	7	28	29	14	5	3.2	35
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>9</b>	<b>26</b>	<b>36</b>	<b>14</b>	<b>3</b>	<b>3.3</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=5

# of respondents who named each item

Competency of lawyers and judges  
 Statutory reform  
 Tort reform legislation  
 Legislature

2  
 1  
 1  
 1

**Table 23****Arizona****2006 Overall Ranking: 13****Ratings on Key Elements of State Liability Systems (n=98)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	42	24	4	-	3.7	15
Overall Treatment of Tort and Contract Litigation	%	4	55	29	4	1	3.6	10
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	36	20	3	-	3.6	5
Punitive Damages	%	3	38	32	7	1	3.4	18
Timeliness of Summary Judgment or Dismissal	%	6	47	23	9	3	3.5	11
Discovery	%	10	45	26	6	1	3.7	14
Scientific and Technical Evidence	%	6	37	29	1	-	3.7	12
Non-economic Damages	%	3	41	34	6	1	3.5	18
Judges' Impartiality	%	10	53	21	4	1	3.8	18
Judges' Competence	%	9	57	20	2	1	3.8	12
Juries' Predictability	%	-	37	41	4	-	3.4	17
Juries' Fairness	%	2	45	31	3	-	3.6	15
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>57</b>	<b>32</b>	<b>3</b>	<b>1</b>	<b>3.6</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=11

# of respondents who named each item

Timeliness for trial	3
Control frivolous lawsuits	1
Tort reform legislation	1
Election of judges	1
Update judicial system	1



**Table 24****Arkansas****2006 Overall Ranking: 41****Ratings on Key Elements of State Liability Systems (n=99)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	29	24	16	2	3.4	40
Overall Treatment of Tort and Contract Litigation	%	1	29	41	17	2	3.1	41
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	21	31	17	4	3.0	42
Punitive Damages	%	4	32	27	15	4	3.2	29
Timeliness of Summary Judgment or Dismissal	%	6	15	43	16	3	3.1	41
Discovery	%	1	30	44	9	3	3.2	43
Scientific and Technical Evidence	%	1	17	48	9	4	3.0	45
Non-economic Damages	%	2	31	36	11	4	3.2	36
Judges' Impartiality	%	7	33	35	9	4	3.3	40
Judges' Competence	%	5	31	39	9	3	3.3	42
Juries' Predictability	%	4	35	36	8	2	3.4	20
Juries' Fairness	%	2	33	33	13	4	3.2	37
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>1</b>	<b>27</b>	<b>51</b>	<b>13</b>	<b>4</b>	<b>3.1</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS** **TOTAL**

N=5

# of respondents who named each item

Statutory reform	2
Composition of juries	1
Tort reform legislation	1
Fairness (i.e. court, laws, judges)	1
Election of judges	1

**Table 25****California****2006 Overall Ranking: 44****Ratings on Key Elements of State Liability Systems (n=317)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	31	32	9	7	3.3	42
Overall Treatment of Tort and Contract Litigation	%	1	25	37	21	10	2.9	45
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	19	29	21	15	2.7	45
Punitive Damages	%	1	17	30	24	20	2.5	41
Timeliness of Summary Judgment or Dismissal	%	3	24	34	18	12	2.9	45
Discovery	%	4	31	38	12	7	3.1	45
Scientific and Technical Evidence	%	8	33	26	8	6	3.4	34
Non-economic Damages	%	2	21	32	22	13	2.8	46
Judges' Impartiality	%	9	35	32	12	4	3.4	39
Judges' Competence	%	6	39	38	8	2	3.4	37
Juries' Predictability	%	1	19	39	19	11	2.8	48
Juries' Fairness	%	2	21	36	22	9	2.8	45
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>1</b>	<b>29</b>	<b>35</b>	<b>24</b>	<b>7</b>	<b>2.9</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=73

# of respondents who named each item

Competency of lawyers and judges

7

Table 26

## Colorado

2006 Overall Ranking: 8

**Ratings on Key Elements of State Liability Systems (n=100)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	6	54	19	4	1	3.7	13
Overall Treatment of Tort and Contract Litigation	%	8	52	26	8	1	3.6	11
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	33	30	6	1	3.4	16
Punitive Damages	%	8	38	30	10	1	3.5	11
Timeliness of Summary Judgment or Dismissal	%	4	42	34	7	1	3.5	15
Discovery	%	9	50	29	4	-	3.7	9
Scientific and Technical Evidence	%	9	55	21	2	1	3.8	3
Non-economic Damages	%	8	45	27	3	1	3.7	6
Judges' Impartiality	%	19	44	22	5	-	3.9	6
Judges' Competence	%	13	53	24	2	-	3.8	9
Juries' Predictability	%	3	31	46	4	2	3.3	23
Juries' Fairness	%	11	39	35	2	1	3.6	10
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>6</b>	<b>57</b>	<b>32</b>	<b>3</b>	<b>-</b>	<b>3.7</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS**    **TOTAL**

N=14

# of respondents who named each item

Supreme court decisions  
Timeliness for trial  
Class action issues  
Legislature  
Tort reform legislation  
Rules on evidence

1  
1  
1  
1  
1  
1

Table 27

## Connecticut

## 2006 Overall Ranking: 5

Ratings on Key Elements of State Liability Systems (n=90)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	51	22	2	-	3.8	9
Overall Treatment of Tort and Contract Litigation	%	9	50	31	3	-	3.7	7
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	36	31	1	-	3.6	4
Punitive Damages	%	6	38	27	8	2	3.5	14
Timeliness of Summary Judgment or Dismissal	%	3	46	31	8	3	3.4	21
Discovery	%	10	48	30	4	-	3.7	10
Scientific and Technical Evidence	%	12	32	32	1	1	3.7	8
Non-economic Damages	%	4	38	31	4	1	3.5	13
Judges' Impartiality	%	16	57	16	3	-	3.9	5
Judges' Competence	%	12	64	13	2	-	3.9	4
Juries' Predictability	%	4	47	27	2	-	3.7	2
Juries' Fairness	%	9	49	21	3	-	3.8	3
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>6</b>	<b>60</b>	<b>27</b>	<b>2</b>	<b>-</b>	<b>3.7</b>	

ADDITIONAL ISSUES STATE SHOULD ADDRESS    TOTAL

N=3

# of respondents who named each item

Legislature

1

Tort reform legislation

1

Table 28

## Delaware

2006 Overall Ranking: 1

**Ratings on Key Elements of State Liability Systems (n=108)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	22	45	13	6	-	4.0	2
Overall Treatment of Tort and Contract Litigation	%	26	47	12	4	-	4.1	1
Treatment of Class Action Suits and Mass Consolidation Suits	%	20	48	12	5	-	4.0	1
Punitive Damages	%	12	48	17	1	-	3.9	1
Timeliness of Summary Judgment or Dismissal	%	19	47	23	1	-	3.9	1
Discovery	%	19	48	24	1	-	3.9	1
Scientific and Technical Evidence	%	17	44	12	-	-	4.1	1
Non-economic Damages	%	15	45	19	1	-	3.9	1
Judges' Impartiality	%	39	45	6	-	-	4.4	1
Judges' Competence	%	45	39	6	1	-	4.4	1
Juries' Predictability	%	4	43	28	3	-	3.6	4
Juries' Fairness	%	5	49	23	1	-	3.7	4
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>20</b>	<b>62</b>	<b>10</b>	<b>1</b>	<b>-</b>	<b>4.1</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=14

# of respondents who named each item

Competency of lawyers and judges  
 Environment for business disputes

4  
 3

Table 29

## Florida

2006 Overall Ranking: 38

Ratings on Key Elements of State Liability Systems (n=209)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	4	42	30	7	3	3.4	36
Overall Treatment of Tort and Contract Litigation	%	1	37	38	14	4	3.2	38
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	27	32	13	4	3.1	38
Punitive Damages	%	2	23	34	18	7	2.9	37
Timeliness of Summary Judgment or Dismissal	%	2	26	45	11	6	3.1	39
Discovery	%	4	35	37	12	3	3.3	41
Scientific and Technical Evidence	%	1	31	34	10	3	3.2	41
Non-economic Damages	%	2	28	40	13	3	3.2	39
Judges' Impartiality	%	6	41	31	10	3	3.4	36
Judges' Competence	%	3	42	33	10	2	3.4	39
Juries' Predictability	%	-	25	43	11	4	3.1	41
Juries' Fairness	%	1	29	40	11	4	3.1	40
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>1</b>	<b>38</b>	<b>43</b>	<b>11</b>	<b>3</b>	<b>3.2</b>	

ADDITIONAL ISSUES STATE SHOULD ADDRESSTOTAL

N=22

# of respondents who named each item

Competency of lawyers and judges

3

Favor plaintiffs

2

**Table 30****Georgia****2006 Overall Ranking: 27****Ratings on Key Elements of State Liability Systems (n=118)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	42	22	9	1	3.6	24
Overall Treatment of Tort and Contract Litigation	%	5	50	34	4	2	3.6	19
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	27	31	5	1	3.5	12
Punitive Damages	%	6	36	32	8	2	3.4	17
Timeliness of Summary Judgment or Dismissal	%	7	31	39	12	3	3.3	26
Discovery	%	5	45	32	8	-	3.5	26
Scientific and Technical Evidence	%	3	38	31	4	1	3.5	22
Non-economic Damages	%	3	36	37	4	2	3.4	21
Judges' Impartiality	%	8	43	34	5	2	3.5	30
Judges' Competence	%	8	44	31	6	-	3.6	29
Juries' Predictability	%	2	27	46	12	1	3.2	32
Juries' Fairness	%	1	29	48	9	-	3.2	34
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>43</b>	<b>45</b>	<b>6</b>	<b>-</b>	<b>3.4</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=11

# of respondents who named each item

Timeliness for trials	3
Tort reform legislation	3
Competency of lawyers and judges	1
Jury awards are too high	1

**Table 31****Hawaii****2006 Overall Ranking: 46****Ratings on Key Elements of State Liability Systems (n=74)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	3	30	28	8	4	3.3	44
Overall Treatment of Tort and Contract Litigation	%	1	11	51	19	4	2.8	46
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	12	31	9	5	2.9	43
Punitive Damages	%	-	14	38	20	4	2.8	39
Timeliness of Summary Judgment or Dismissal	%	3	9	39	24	5	2.8	47
Discovery	%	3	19	39	15	5	3.0	46
Scientific and Technical Evidence	%	1	14	35	16	4	2.9	46
Non-economic Damages	%	-	15	36	20	4	2.8	45
Judges' Impartiality	%	5	12	49	9	5	3.0	46
Judges' Competence	%	-	26	39	11	5	3.0	46
Juries' Predictability	%	-	14	39	20	3	2.8	47
Juries' Fairness	%	1	14	31	26	3	2.8	46
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>1</b>	<b>11</b>	<b>57</b>	<b>15</b>	<b>5</b>	<b>2.9</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=5

# of respondents who named each item

Favor plaintiffs

1

Legislature

1

Ability to issue a summary judgment

1

Court resources/funding/staff

1



Table 32

## Idaho

2006 Overall Ranking: 18

**Ratings on Key Elements of State Liability Systems (n=70)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	6	37	24	-	-	3.7	11
Overall Treatment of Tort and Contract Litigation	%	4	33	39	3	-	3.5	22
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	24	23	1	1	3.5	10
Punitive Damages	%	4	24	30	9	-	3.4	19
Timeliness of Summary Judgment or Dismissal	%	4	39	29	6	1	3.5	12
Discovery	%	6	40	26	1	-	3.7	11
Scientific and Technical Evidence	%	3	27	33	3	-	3.5	25
Non-economic Damages	%	6	33	29	4	1	3.5	12
Judges' Impartiality	%	10	41	23	1	1	3.7	21
Judges' Competence	%	7	43	24	1	-	3.7	21
Juries' Predictability	%	4	27	34	6	-	3.4	16
Juries' Fairness	%	4	34	27	7	-	3.5	21
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>50</b>	<b>31</b>	<b>3</b>	<b>-</b>	<b>3.6</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=5

# of respondents who named each item

Tort reform

1

Cap on damages

1

**Table 33****Illinois****2006 Overall Ranking: 45****Ratings on Key Elements of State Liability Systems (n=229)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	5	30	28	13	14	3.0	46
Overall Treatment of Tort and Contract Litigation	%	2	28	32	22	10	2.9	44
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	21	27	16	18	2.7	44
Punitive Damages	%	1	21	33	17	16	2.7	40
Timeliness of Summary Judgment or Dismissal	%	3	26	34	20	9	2.9	44
Discovery	%	3	31	39	12	5	3.2	44
Scientific and Technical Evidence	%	2	28	34	11	6	3.1	44
Non-economic Damages	%	1	26	30	21	10	2.9	44
Judges' Impartiality	%	5	31	34	16	7	3.1	45
Judges' Competence	%	7	34	33	14	5	3.2	43
Juries' Predictability	%	2	23	41	14	7	3.0	44
Juries' Fairness	%	2	21	38	20	8	2.9	44
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>1</b>	<b>28</b>	<b>34</b>	<b>24</b>	<b>9</b>	<b>2.9</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=30

# of respondents who named each item

Favor plaintiffs

4

Fairness (i.e. court, laws, judges)

4

Venue selection

3

Class action issues

3

Timeliness for trial

2

**Table 34****Indiana****2006 Overall Ranking: 11****Ratings on Key Elements of State Liability Systems (n=99)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	40	28	2	-	3.8	5
Overall Treatment of Tort and Contract Litigation	%	11	49	22	7	-	3.7	5
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	28	28	5	2	3.4	15
Punitive Damages	%	11	36	25	6	3	3.6	4
Timeliness of Summary Judgment or Dismissal	%	7	36	34	6	1	3.5	10
Discovery	%	5	55	25	3	-	3.7	8
Scientific and Technical Evidence	%	2	36	31	5	2	3.4	29
Non-economic Damages	%	6	39	35	5	1	3.5	11
Judges' Impartiality	%	11	52	24	1	1	3.8	12
Judges' Competence	%	5	57	26	1	-	3.7	20
Juries' Predictability	%	3	47	27	7	-	3.5	9
Juries' Fairness	%	9	48	23	5	-	3.7	5
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>52</b>	<b>32</b>	<b>3</b>	<b>1</b>	<b>3.6</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=9

# of respondents who named each item

Medical malpractice	2
Tort reform legislation	1
Fee issues	1
Cap on damages	1
The workers' comp shield	1
Reduce fraudulent cases	1

**Table 35****Iowa****2006 Overall Ranking: 4****Ratings on Key Elements of State Liability Systems (n=109)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	47	25	2	-	3.8	6
Overall Treatment of Tort and Contract Litigation	%	7	56	26	3	-	3.7	4
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	31	32	1	1	3.6	3
Punitive Damages	%	9	38	31	3	-	3.7	3
Timeliness of Summary Judgment or Dismissal	%	6	42	34	6	1	3.5	9
Discovery	%	10	50	28	2	-	3.8	4
Scientific and Technical Evidence	%	5	50	28	1	1	3.7	10
Non-economic Damages	%	7	45	32	2	-	3.7	5
Judges' Impartiality	%	21	51	17	1	-	4.0	4
Judges' Competence	%	16	53	24	-	-	3.9	5
Juries' Predictability	%	4	52	32	2	-	3.6	3
Juries' Fairness	%	10	58	20	2	-	3.8	2
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>7</b>	<b>61</b>	<b>25</b>	<b>1</b>	<b>-</b>	<b>3.8</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=7

# of respondents who named each item

Competency of lawyers and judges	1
Jury fairness	1
Supreme court decision	1
Appointments vs. elections of judges	1
Fairness (i.e. courts, laws, judges)	1
Rules of evidence	1

**Table 36****Kansas****2006 Overall Ranking: 15****Ratings on Key Elements of State Liability Systems (n=110)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	8	38	34	5	1	3.6	28
Overall Treatment of Tort and Contract Litigation	%	7	48	31	4	2	3.6	12
Treatment of Class Action Suits and Mass Consolidation Suits	%	5	34	30	2	1	3.6	6
Punitive Damages	%	8	35	34	5	-	3.6	6
Timeliness of Summary Judgment or Dismissal	%	3	37	33	12	1	3.3	24
Discovery	%	5	45	35	4	-	3.6	20
Scientific and Technical Evidence	%	2	34	35	8	-	3.4	33
Non-economic Damages	%	9	39	34	3	-	3.6	7
Judges' Impartiality	%	11	52	21	5	2	3.7	23
Judges' Competence	%	8	55	25	3	-	3.8	16
Juries' Predictability	%	4	40	42	3	-	3.5	11
Juries' Fairness	%	5	51	27	5	1	3.6	12
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>54</b>	<b>30</b>	<b>5</b>	<b>1</b>	<b>3.6</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=9

# of respondents who named each item

Joint and several liability rules  
 Comparative negligence  
 Reform punitive damages  
 Prejudice issues  
 Cap on damages  
 Medical malpractice  
 Rules of evidence  
 Admissibility of expert testimony

1  
 1  
 1  
 1  
 1  
 1  
 1  
 1

**Table 37****Kentucky****2006 Overall Ranking: 34****Ratings on Key Elements of State Liability Systems (n=101)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	3	44	34	3	-	3.6	29
Overall Treatment of Tort and Contract Litigation	%	2	33	45	11	-	3.3	33
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	25	39	5	1	3.3	24
Punitive Damages	%	5	25	43	9	3	3.2	25
Timeliness of Summary Judgment or Dismissal	%	5	29	40	11	4	3.2	32
Discovery	%	3	39	41	5	-	3.5	31
Scientific and Technical Evidence	%	4	25	36	11	-	3.3	37
Non-economic Damages	%	1	27	43	12	1	3.2	37
Judges' Impartiality	%	6	34	41	8	1	3.4	37
Judges' Competence	%	6	35	42	7	1	3.4	36
Juries' Predictability	%	1	31	44	8	1	3.3	28
Juries' Fairness	%	3	29	45	8	-	3.3	33
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>29</b>	<b>53</b>	<b>8</b>	<b>1</b>	<b>3.2</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=4

# of respondents who named each item

Update judicial system

2

Jury fairness

1

**Table 38****Louisiana****2006 Overall Ranking: 49****Ratings on Key Elements of State Liability Systems (n=137)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	1	20	32	19	12	2.8	49
Overall Treatment of Tort and Contract Litigation	%	1	12	33	35	15	2.5	48
Treatment of Class Action Suits and Mass Consolidation Suits	%	-	9	27	23	20	2.3	48
Punitive Damages	%	Louisiana does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	1	15	36	24	15	2.6	49
Discovery	%	2	18	38	24	10	2.8	49
Scientific and Technical Evidence	%	1	14	34	25	12	2.6	48
Non-economic Damages	%	1	9	32	28	17	2.4	49
Judges' Impartiality	%	1	8	36	33	13	2.5	50
Judges' Competence	%	1	12	42	28	8	2.7	49
Juries' Predictability	%	5	15	34	25	10	2.8	49
Juries' Fairness	%	1	9	33	31	14	2.4	49
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>-</b>	<b>7</b>	<b>42</b>	<b>35</b>	<b>13</b>	<b>2.4</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=32

# of respondents who named each item

Election of judges

4

Fairness (i.e. courts, laws, judges)

2

Tort reform legislation

2

Table 39

## Maine

2006 Overall Ranking: 9

**Ratings on Key Elements of State Liability Systems (n=66)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	3	45	24	-	-	3.7	14
Overall Treatment of Tort and Contract Litigation	%	6	36	35	5	-	3.5	21
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	30	33	6	-	3.4	20
Punitive Damages	%	8	24	36	3	2	3.5	15
Timeliness of Summary Judgment or Dismissal	%	6	36	26	6	-	3.6	5
Discovery	%	9	33	36	3	-	3.6	19
Scientific and Technical Evidence	%	8	32	27	5	-	3.6	15
Non-economic Damages	%	8	26	36	5	-	3.5	16
Judges' Impartiality	%	14	35	29	-	2	3.8	17
Judges' Competence	%	11	44	27	-	-	3.8	11
Juries' Predictability	%	8	33	33	5	-	3.6	8
Juries' Fairness	%	9	30	33	5	-	3.6	16
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>42</b>	<b>35</b>	<b>5</b>	<b>-</b>	<b>3.5</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=1

# of respondents who named each item

Legislature

1



**Table 40****Maryland****2006 Overall Ranking: 20****Ratings on Key Elements of State Liability Systems (n=91)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	42	25	4	1	3.6	22
Overall Treatment of Tort and Contract Litigation	%	9	49	25	8	2	3.6	14
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	26	32	4	4	3.4	21
Punitive Damages	%	8	31	29	8	5	3.3	21
Timeliness of Summary Judgment or Dismissal	%	2	45	35	5	3	3.4	22
Discovery	%	9	44	32	5	-	3.6	16
Scientific and Technical Evidence	%	2	44	24	4	1	3.6	19
Non-economic Damages	%	9	24	31	10	7	3.2	31
Judges' Impartiality	%	16	46	19	7	-	3.8	8
Judges' Competence	%	14	52	22	2	-	3.9	6
Juries' Predictability	%	4	32	35	3	4	3.4	21
Juries' Fairness	%	7	33	33	7	1	3.5	22
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>54</b>	<b>22</b>	<b>12</b>	<b>-</b>	<b>3.5</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=11

# of respondents who named each item

Contributory negligence

2

Timeliness for trial

1

Favor plaintiffs

1

Fee issues

1

Competency of lawyers and judges

1

Court resources/funding/staffing

1

Table 41

## Massachusetts

2006 Overall Ranking: 32

Ratings on Key Elements of State Liability Systems (n=125)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	5	39	29	6	2	3.5	34
Overall Treatment of Tort and Contract Litigation	%	5	40	36	8	4	3.4	29
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	23	32	10	3	3.2	33
Punitive Damages	%	Massachusetts does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	4	26	43	11	2	3.2	33
Discovery	%	6	35	37	10	1	3.4	35
Scientific and Technical Evidence	%	12	30	26	2	2	3.7	7
Non-economic Damages	%	4	26	43	9	2	3.2	29
Judges' Impartiality	%	10	40	29	10	1	3.6	29
Judges' Competence	%	14	42	27	6	1	3.7	23
Juries' Predictability	%	5	21	41	11	3	3.2	35
Juries' Fairness	%	6	32	30	11	2	3.4	29
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>37</b>	<b>42</b>	<b>8</b>	<b>2</b>	<b>3.3</b>	

ADDITIONAL ISSUES STATE SHOULD ADDRESS      TOTAL

N=8

# of respondents who named each item

Timeliness for trial

1

Favor plaintiffs

1

Court resources/funding/staffing

1

Table 42

## Michigan

2006 Overall Ranking: 22

Ratings on Key Elements of State Liability Systems (n=125)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	8	46	25	4	1	3.7	19
Overall Treatment of Tort and Contract Litigation	%	9	42	31	9	1	3.5	20
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	30	30	8	1	3.4	19
Punitive Damages	%	12	25	36	6	2	3.5	10
Timeliness of Summary Judgment or Dismissal	%	6	38	36	9	2	3.4	20
Discovery	%	5	46	34	3	1	3.6	22
Scientific and Technical Evidence	%	6	38	32	4	2	3.5	21
Non-economic Damages	%	6	34	37	8	-	3.4	20
Judges' Impartiality	%	6	48	30	6	-	3.6	27
Judges' Competence	%	6	50	31	2	1	3.6	28
Juries' Predictability	%	-	33	38	6	2	3.3	26
Juries' Fairness	%	1	35	38	6	1	3.4	26
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>49</b>	<b>38</b>	<b>2</b>	<b>-</b>	<b>3.6</b>	

ADDITIONAL ISSUES STATE SHOULD ADDRESSTOTAL

N=23

	%
Use of mediation	4
Tort reform legislation	3
Supreme court decisions	2

**Table 43****Minnesota****2006 Overall Ranking: 14****Ratings on Key Elements of State Liability Systems (n=83)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	11	42	24	4	-	3.7	10
Overall Treatment of Tort and Contract Litigation	%	10	45	35	7	-	3.6	15
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	23	35	10	2	3.2	34
Punitive Damages	%	5	41	25	13	-	3.4	16
Timeliness of Summary Judgment or Dismissal	%	7	42	37	4	1	3.6	7
Discovery	%	7	45	37	6	-	3.6	23
Scientific and Technical Evidence	%	10	45	31	4	-	3.7	9
Non-economic Damages	%	5	39	30	11	-	3.4	19
Judges' Impartiality	%	13	54	19	7	-	3.8	14
Judges' Competence	%	16	54	20	5	-	3.8	8
Juries' Predictability	%	6	42	35	2	1	3.6	7
Juries' Fairness	%	8	47	30	5	-	3.7	8
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>8</b>	<b>46</b>	<b>37</b>	<b>5</b>	<b>-</b>	<b>3.6</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=12

# of respondents who named each item

Competency of lawyers and judges  
 Joint and several liability rules  
 Favor plaintiffs  
 No fault laws  
 Prejudice issues  
 Election of judges

2  
 1  
 1  
 1  
 1  
 1

**Table 44**
**Mississippi**
**2006 Overall Ranking: 48**
**Ratings on Key Elements of State Liability Systems (n=143)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	5	15	28	22	10	2.8	48
Overall Treatment of Tort and Contract Litigation	%	1	9	30	37	15	2.4	49
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	15	23	27	14	2.7	46
Punitive Damages	%	1	10	24	33	17	2.4	43
Timeliness of Summary Judgment or Dismissal	%	1	14	38	21	10	2.7	48
Discovery	%	1	15	41	26	6	2.8	48
Scientific and Technical Evidence	%	1	12	29	26	12	2.5	49
Non-economic Damages	%	1	10	31	25	17	2.4	48
Judges' Impartiality	%	2	20	33	24	12	2.7	48
Judges' Competence	%	1	16	43	21	8	2.8	48
Juries' Predictability	%	4	15	30	26	11	2.7	50
Juries' Fairness	%	1	8	29	36	15	2.3	50
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>1</b>	<b>13</b>	<b>34</b>	<b>37</b>	<b>8</b>	<b>2.6</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS**
**TOTAL**

N=26

# of respondents who named each item

Waiting to see impact of tort reform legislation

10

**Table 45****Missouri****2006 Overall Ranking: 35****Ratings on Key Elements of State Liability Systems (n=109)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	8	31	25	9	4	3.4	38
Overall Treatment of Tort and Contract Litigation	%	5	36	34	17	1	3.3	34
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	27	30	13	2	3.2	29
Punitive Damages	%	3	27	35	17	1	3.2	30
Timeliness of Summary Judgment or Dismissal	%	4	34	32	15	3	3.2	31
Discovery	%	6	42	28	11	2	3.4	33
Scientific and Technical Evidence	%	3	36	25	11	1	3.4	31
Non-economic Damages	%	3	31	34	15	3	3.2	35
Judges' Impartiality	%	8	43	30	6	3	3.5	31
Judges' Competence	%	6	45	32	6	2	3.5	32
Juries' Predictability	%	1	30	38	17	3	3.1	38
Juries' Fairness	%	2	32	38	13	4	3.2	38
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>43</b>	<b>34</b>	<b>13</b>	<b>2</b>	<b>3.3</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=17

# of respondents who named each item

Tort reform legislation  
Joint and several liability rules  
Venue selection

5  
2  
2

**Table 46****Montana****2006 Overall Ranking: 39****Ratings on Key Elements of State Liability Systems (n=70)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	4	29	36	7	4	3.3	43
Overall Treatment of Tort and Contract Litigation	%	4	23	46	14	4	3.1	42
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	14	33	10	1	3.1	37
Punitive Damages	%	3	16	39	19	6	2.9	38
Timeliness of Summary Judgment or Dismissal	%	4	20	40	16	3	3.1	38
Discovery	%	10	27	33	13	1	3.4	36
Scientific and Technical Evidence	%	4	24	39	9	1	3.3	39
Non-economic Damages	%	7	21	34	16	3	3.2	38
Judges' Impartiality	%	7	29	36	13	3	3.3	42
Judges' Competence	%	4	31	40	7	-	3.4	38
Juries' Predictability	%	-	26	47	11	1	3.1	37
Juries' Fairness	%	4	24	39	14	1	3.2	36
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>30</b>	<b>41</b>	<b>14</b>	<b>1</b>	<b>3.2</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=5

# of respondents who named each item

Statutory reform

2

The workers' comp shield

1

Tort reform legislation

1

Venue selection

1

Table 47

## Nebraska

2006 Overall Ranking: 2

**Ratings on Key Elements of State Liability Systems (n=78)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	14	46	21	-	-	3.9	3
Overall Treatment of Tort and Contract Litigation	%	12	50	24	1	-	3.8	3
Treatment of Class Action Suits and Mass Consolidation Suits	%	14	23	31	-	1	3.7	2
Punitive Damages	%	Nebraska does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	13	31	31	3	1	3.7	4
Discovery	%	15	45	22	1	-	3.9	3
Scientific and Technical Evidence	%	6	42	24	3	-	3.7	5
Non-economic Damages	%	15	46	21	1	1	3.9	2
Judges' Impartiality	%	19	55	9	3	-	4.1	3
Judges' Competence	%	13	62	10	-	-	4.0	3
Juries' Predictability	%	4	53	24	3	-	3.7	1
Juries' Fairness	%	9	59	13	1	-	3.9	1
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>12</b>	<b>59</b>	<b>15</b>	<b>1</b>	<b>-</b>	<b>3.9</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=5

# of respondents who named each item

Reform punitive damages

1

Timeliness for trial

1



**Table 48****Nevada****2006 Overall Ranking: 37****Ratings on Key Elements of State Liability Systems (n=85)**

		<b>"A"</b>	<b>"B"</b>	<b>"C"</b>	<b>"D"</b>	<b>"F"</b>	<b>Mean Grade</b>	<b>Ranking Within Element</b>
Having and Enforcing Meaningful Venue Requirements	%	6	39	32	5	2	3.5	33
Overall Treatment of Tort and Contract Litigation	%	4	31	48	11	4	3.2	37
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	21	31	8	2	3.2	32
Punitive Damages	%	2	26	38	19	4	3.1	33
Timeliness of Summary Judgment or Dismissal	%	4	28	34	18	5	3.1	37
Discovery	%	2	42	36	13	-	3.4	37
Scientific and Technical Evidence	%	6	27	38	9	1	3.3	36
Non-economic Damages	%	2	26	38	15	4	3.1	40
Judges' Impartiality	%	6	38	35	11	2	3.4	38
Judges' Competence	%	4	38	40	8	4	3.3	41
Juries' Predictability	%	1	21	38	21	1	3.0	42
Juries' Fairness	%	-	28	45	13	1	3.1	39
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>1</b>	<b>33</b>	<b>47</b>	<b>14</b>	<b>2</b>	<b>3.2</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=6

# of respondents who named each item

Venue selection	1
Court resources/funding/staffing	1
Medical malpractice	1
Admissibility of expert testimony	1

Table 49

## New Hampshire

2006 Overall Ranking: 6

**Ratings on Key Elements of State Liability Systems (n=81)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	5	41	27	2	1	3.6	23
Overall Treatment of Tort and Contract Litigation	%	6	44	30	2	1	3.6	9
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	30	32	1	2	3.4	17
Punitive Damages	%	New Hampshire does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	7	36	31	4	1	3.6	6
Discovery	%	11	43	26	2	-	3.8	5
Scientific and Technical Evidence	%	6	37	27	-	1	3.7	13
Non-economic Damages	%	7	28	38	2	1	3.5	14
Judges' Impartiality	%	19	38	26	1	2	3.8	10
Judges' Competence	%	17	40	26	-	1	3.9	7
Juries' Predictability	%	9	30	37	-	1	3.6	6
Juries' Fairness	%	7	35	27	4	2	3.5	18
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>51</b>	<b>28</b>	<b>2</b>	<b>1</b>	<b>3.6</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=2

# of respondents who named each item

Environment for business disputes

1

Court resources/funding/staffing

1

**Table 50****New Jersey****2006 Overall Ranking: 25****Ratings on Key Elements of State Liability Systems (n=141)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	45	28	3	1	3.7	17
Overall Treatment of Tort and Contract Litigation	%	4	40	41	10	1	3.4	28
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	26	31	10	4	3.2	30
Punitive Damages	%	New Jersey does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	5	32	43	13	3	3.2	30
Discovery	%	4	50	35	4	2	3.5	25
Scientific and Technical Evidence	%	9	41	27	4	1	3.7	11
Non-economic Damages	%	3	34	38	12	1	3.3	26
Judges' Impartiality	%	16	47	27	3	2	3.8	15
Judges' Competence	%	13	52	25	3	2	3.8	18
Juries' Predictability	%	2	28	46	9	1	3.2	30
Juries' Fairness	%	2	36	42	6	2	3.3	31
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>45</b>	<b>40</b>	<b>7</b>	<b>1</b>	<b>3.4</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=9

# of respondents who named each item

Timeliness for trial

2

Reform punitive damages

2

Political influence/interference

1

Comparative negligence

1

Environment for business disputes

1

Election of judges

1

**Table 51****New Mexico****2006 Overall Ranking: 40****Ratings on Key Elements of State Liability Systems (n=96)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	4	30	27	11	5	3.2	45
Overall Treatment of Tort and Contract Litigation	%	1	31	35	16	3	3.1	40
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	22	25	8	7	3.0	40
Punitive Damages	%	5	21	31	17	3	3.1	31
Timeliness of Summary Judgment or Dismissal	%	3	22	39	9	7	3.1	42
Discovery	%	1	33	36	8	3	3.3	42
Scientific and Technical Evidence	%	2	24	29	11	3	3.1	42
Non-economic Damages	%	1	28	32	17	3	3.1	41
Judges' Impartiality	%	4	26	42	8	4	3.2	43
Judges' Competence	%	5	28	38	9	1	3.3	40
Juries' Predictability	%	3	25	35	11	3	3.2	34
Juries' Fairness	%	2	28	28	16	4	3.1	41
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>29</b>	<b>44</b>	<b>15</b>	<b>3</b>	<b>3.1</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=5

# of respondents who named each item

Appointments vs. elections of judges

1

Medical malpractice

1

Patient compensation fund

1

**Table 52****New York****2006 Overall Ranking: 21****Ratings on Key Elements of State Liability Systems (n=217)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	15	43	25	3	1	3.8	7
Overall Treatment of Tort and Contract Litigation	%	12	43	31	6	2	3.6	13
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	35	25	9	3	3.5	11
Punitive Damages	%	6	34	29	12	3	3.3	22
Timeliness of Summary Judgment or Dismissal	%	7	24	39	16	3	3.2	35
Discovery	%	10	40	35	6	*	3.6	21
Scientific and Technical Evidence	%	14	41	21	5	*	3.8	4
Non-economic Damages	%	6	34	35	11	2	3.3	25
Judges' Impartiality	%	14	48	24	6	1	3.8	16
Judges' Competence	%	18	41	28	4	1	3.8	15
Juries' Predictability	%	3	27	43	9	2	3.2	29
Juries' Fairness	%	5	35	37	9	2	3.4	27
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>6</b>	<b>48</b>	<b>34</b>	<b>6</b>	<b>2</b>	<b>3.5</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=35

# of respondents who named each item

Timeliness for trial

7

Competency of lawyers and judges

5

**Table 53****North Carolina****2006 Overall Ranking: 10****Ratings on Key Elements of State Liability Systems (n=98)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	44	21	2	-	3.8	4
Overall Treatment of Tort and Contract Litigation	%	5	51	31	2	-	3.7	8
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	35	31	5	1	3.4	18
Punitive Damages	%	4	40	29	5	-	3.6	7
Timeliness of Summary Judgment or Dismissal	%	8	31	38	8	-	3.5	17
Discovery	%	11	45	26	3	-	3.8	7
Scientific and Technical Evidence	%	7	41	24	3	-	3.7	6
Non-economic Damages	%	3	40	31	4	-	3.5	10
Judges' Impartiality	%	9	50	24	2	1	3.7	20
Judges' Competence	%	7	53	24	-	-	3.8	13
Juries' Predictability	%	1	46	31	4	1	3.5	10
Juries' Fairness	%	2	51	29	3	-	3.6	11
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>59</b>	<b>27</b>	<b>3</b>	<b>-</b>	<b>3.7</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=6

# of respondents who named each item

Competency of lawyers and judges  
 Political influence/interference  
 Environment for business disputes  
 Statutory reform  
 Prejudice issues  
 Contributory negligence  
 Legislature

1  
 1  
 1  
 1  
 1  
 1  
 1

Table 54

## North Dakota

2006 Overall Ranking: 12

**Ratings on Key Elements of State Liability Systems (n=51)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	10	37	39	-	-	3.7	21
Overall Treatment of Tort and Contract Litigation	%	8	41	41	-	2	3.6	17
Treatment of Class Action Suits and Mass Consolidation Suits	%	8	31	31	6	-	3.5	8
Punitive Damages	%	12	27	31	4	2	3.6	5
Timeliness of Summary Judgment or Dismissal	%	10	37	25	16	-	3.5	14
Discovery	%	10	41	29	4	2	3.6	18
Scientific and Technical Evidence	%	4	43	29	8	2	3.5	27
Non-economic Damages	%	14	39	31	-	2	3.7	4
Judges' Impartiality	%	16	47	24	6	-	3.8	13
Judges' Competence	%	8	55	24	4	-	3.7	19
Juries' Predictability	%	4	33	47	6	-	3.4	18
Juries' Fairness	%	10	43	33	4	-	3.7	9
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>6</b>	<b>49</b>	<b>37</b>	<b>-</b>	<b>-</b>	<b>3.7</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=2

# of respondents who named each item

Admissibility of expert testimony

1

**Table 55****Ohio****2006 Overall Ranking: 19****Ratings on Key Elements of State Liability Systems (n=139)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	47	29	6	-	3.7	20
Overall Treatment of Tort and Contract Litigation	%	4	46	35	8	2	3.4	25
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	35	31	7	-	3.5	14
Punitive Damages	%	6	37	37	6	1	3.5	13
Timeliness of Summary Judgment or Dismissal	%	6	42	36	8	1	3.5	16
Discovery	%	6	53	26	5	1	3.6	15
Scientific and Technical Evidence	%	5	45	32	4	-	3.6	14
Non-economic Damages	%	3	44	37	5	1	3.5	17
Judges' Impartiality	%	7	50	29	6	-	3.6	25
Judges' Competence	%	8	52	29	5	-	3.7	25
Juries' Predictability	%	1	40	37	9	1	3.4	19
Juries' Fairness	%	5	44	37	4	-	3.6	17
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>55</b>	<b>33</b>	<b>5</b>	<b>1</b>	<b>3.6</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=15

# of respondents who named each item

Timeliness for trial

2

Tort reform legislation

2

Fee issues

2



**Table 56****Oklahoma****2006 Overall Ranking: 33****Ratings on Key Elements of State Liability Systems (n=100)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	8	38	37	3	2	3.5	31
Overall Treatment of Tort and Contract Litigation	%	3	33	42	13	2	3.2	35
Treatment of Class Action Suits and Mass Consolidation Suits	%	4	25	33	6	3	3.3	25
Punitive Damages	%	6	27	30	14	4	3.2	28
Timeliness of Summary Judgment or Dismissal	%	4	23	43	14	4	3.1	36
Discovery	%	3	42	40	5	2	3.4	34
Scientific and Technical Evidence	%	4	28	42	6	3	3.3	38
Non-economic Damages	%	4	35	32	15	4	3.2	33
Judges' Impartiality	%	8	38	38	5	3	3.5	34
Judges' Competence	%	5	42	36	7	2	3.4	35
Juries' Predictability	%	2	35	38	11	2	3.3	27
Juries' Fairness	%	5	35	37	11	1	3.4	28
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>3</b>	<b>36</b>	<b>49</b>	<b>6</b>	<b>2</b>	<b>3.3</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=11

# of respondents who named each item

Competency of lawyers and judges  
Joint and several liability rules  
Statute reform  
Tort reform legislation

1  
1  
1  
1

**Table 57****Oregon****2006 Overall Ranking: 30****Ratings on Key Elements of State Liability Systems (n=89)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	7	40	22	3	-	3.7	18
Overall Treatment of Tort and Contract Litigation	%	3	38	36	11	3	3.3	32
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	21	29	4	3	3.3	26
Punitive Damages	%	4	22	33	19	3	3.1	32
Timeliness of Summary Judgment or Dismissal	%	6	31	36	10	2	3.3	25
Discovery	%	7	39	31	11	-	3.5	29
Scientific and Technical Evidence	%	8	25	33	4	1	3.5	24
Non-economic Damages	%	4	26	39	9	4	3.2	34
Judges' Impartiality	%	12	49	22	6	1	3.7	22
Judges' Competence	%	9	52	25	4	2	3.7	26
Juries' Predictability	%	2	28	39	9	4	3.2	33
Juries' Fairness	%	4	33	36	8	2	3.4	30
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>40</b>	<b>45</b>	<b>9</b>	<b>-</b>	<b>3.4</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=12

# of respondents who named each item

Court resources/funding/staffing	3
Reform punitive damages	1
Environment for business disputes	1
Statutory reform	1
Legislature	1
Discovery issues	1
Timeliness for trial	1
Predictability of the system	1

**Table 58****Pennsylvania****2006 Overall Ranking: 31****Ratings on Key Elements of State Liability Systems (n=157)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	8	46	22	5	-	3.7	16
Overall Treatment of Tort and Contract Litigation	%	1	40	39	12	1	3.3	31
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	25	32	10	3	3.2	31
Punitive Damages	%	2	30	41	8	4	3.2	27
Timeliness of Summary Judgment or Dismissal	%	3	32	41	11	2	3.3	29
Discovery	%	3	45	34	8	1	3.4	32
Scientific and Technical Evidence	%	1	45	25	4	3	3.5	23
Non-economic Damages	%	4	30	38	10	3	3.3	28
Judges' Impartiality	%	10	46	27	4	4	3.6	28
Judges' Competence	%	8	43	32	5	3	3.5	31
Juries' Predictability	%	1	32	39	10	3	3.2	31
Juries' Fairness	%	4	39	32	10	1	3.4	24
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>1</b>	<b>44</b>	<b>41</b>	<b>11</b>	<b>-</b>	<b>3.4</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=22

# of respondents who named each item

Joint and several liability rules

4

Competency of lawyers and judges

3

Timeliness for trial

2

Election of judges

2

**Table 59****Rhode Island****2006 Overall Ranking: 26****Ratings on Key Elements of State Liability Systems (n=91)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	3	43	27	2	1	3.6	26
Overall Treatment of Tort and Contract Litigation	%	4	36	38	10	-	3.4	27
Treatment of Class Action Suits and Mass Consolidation Suits	%	-	26	29	8	1	3.3	27
Punitive Damages	%	-	32	33	10	1	3.3	24
Timeliness of Summary Judgment or Dismissal	%	2	33	34	10	3	3.3	28
Discovery	%	4	34	41	3	-	3.5	28
Scientific and Technical Evidence	%	5	38	22	5	-	3.6	16
Non-economic Damages	%	1	34	34	8	-	3.4	24
Judges' Impartiality	%	9	38	29	10	1	3.5	33
Judges' Competence	%	11	35	32	8	-	3.6	30
Juries' Predictability	%	3	23	47	3	-	3.3	22
Juries' Fairness	%	4	30	41	1	1	3.5	23
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>41</b>	<b>38</b>	<b>8</b>	<b>-</b>	<b>3.5</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=5

# of respondents who named each item

Timeliness for trial

1

Political influence/interference

1

Local/state issues/location driven

1

**Table 60****South Carolina****2006 Overall Ranking: 42****Ratings on Key Elements of State Liability Systems (n=95)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	4	39	25	13	2	3.4	39
Overall Treatment of Tort and Contract Litigation	%	1	33	42	16	2	3.2	39
Treatment of Class Action Suits and Mass Consolidation Suits	%	1	25	28	15	3	3.1	39
Punitive Damages	%	1	25	39	13	6	3.0	34
Timeliness of Summary Judgment or Dismissal	%	1	23	48	16	3	3.0	43
Discovery	%	1	42	36	7	3	3.3	38
Scientific and Technical Evidence	%	1	24	42	12	2	3.1	43
Non-economic Damages	%	1	18	46	14	4	3.0	43
Judges' Impartiality	%	3	40	35	12	4	3.3	41
Judges' Competence	%	2	31	51	5	4	3.2	45
Juries' Predictability	%	2	23	46	12	2	3.1	36
Juries' Fairness	%	1	24	41	16	1	3.1	42
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>1</b>	<b>28</b>	<b>52</b>	<b>16</b>	<b>1</b>	<b>3.1</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=14

# of respondents who named each item

Tort reform legislation

3

Political influence/interference

2

**Table 61****South Dakota****2006 Overall Ranking: 7****Ratings on Key Elements of State Liability Systems (n=56)**

		<b>"A"</b>	<b>"B"</b>	<b>"C"</b>	<b>"D"</b>	<b>"F"</b>	<b>Mean Grade</b>	<b>Ranking Within Element</b>
Having and Enforcing Meaningful Venue Requirements	%	13	38	32	2	-	3.7	12
Overall Treatment of Tort and Contract Litigation	%	14	41	30	5	-	3.7	6
Treatment of Class Action Suits and Mass Consolidation Suits	%	11	21	34	2	2	3.5	7
Punitive Damages	%	11	25	32	7	2	3.5	12
Timeliness of Summary Judgment or Dismissal	%	20	25	34	7	-	3.7	3
Discovery	%	7	45	36	-	2	3.6	17
Scientific and Technical Evidence	%	2	39	36	5	-	3.5	26
Non-economic Damages	%	13	34	30	7	2	3.6	8
Judges' Impartiality	%	18	41	27	4	-	3.8	9
Judges' Competence	%	13	43	34	2	-	3.7	22
Juries' Predictability	%	5	39	36	7	-	3.5	13
Juries' Fairness	%	5	43	38	2	-	3.6	13
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>13</b>	<b>39</b>	<b>36</b>	<b>4</b>	<b>-</b>	<b>3.7</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=3

# of respondents who named each item

Admissibility of expert testimony

1

Table 62

## Tennessee

2006 Overall Ranking: 29

**Ratings on Key Elements of State Liability Systems (n=109)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	6	47	33	4	2	3.6	30
Overall Treatment of Tort and Contract Litigation	%	5	48	30	8	3	3.5	24
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	32	30	6	3	3.3	22
Punitive Damages	%	3	37	35	9	4	3.3	23
Timeliness of Summary Judgment or Dismissal	%	1	39	40	11	2	3.3	27
Discovery	%	2	46	39	6	1	3.5	30
Scientific and Technical Evidence	%	2	39	36	4	4	3.4	30
Non-economic Damages	%	3	39	35	8	2	3.4	23
Judges' Impartiality	%	8	45	30	7	3	3.5	32
Judges' Competence	%	6	45	32	6	4	3.5	33
Juries' Predictability	%	6	28	42	10	2	3.3	25
Juries' Fairness	%	3	41	38	6	3	3.4	25
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>2</b>	<b>43</b>	<b>39</b>	<b>9</b>	<b>3</b>	<b>3.3</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS**    **TOTAL**

N=6

# of respondents who named each item

Supreme court decisions  
State issues  
Prejudice issues  
Tort reform legislation  
Legislature  
Election of judges  
Medical malpractice  
Statutory reform

1  
1  
1  
1  
1  
1  
1  
1

**Table 63****Texas****2006 Overall Ranking: 43****Ratings on Key Elements of State Liability Systems (n=243)**

		<b>"A"</b>	<b>"B"</b>	<b>"C"</b>	<b>"D"</b>	<b>"F"</b>	<b>Mean Grade</b>	<b>Ranking Within Element</b>
Having and Enforcing Meaningful Venue Requirements	%	11	28	26	16	5	<b>3.3</b>	<b>41</b>
Overall Treatment of Tort and Contract Litigation	%	6	27	36	18	8	<b>3.0</b>	<b>43</b>
Treatment of Class Action Suits and Mass Consolidation Suits	%	7	23	26	20	8	<b>3.0</b>	<b>41</b>
Punitive Damages	%	10	23	24	20	12	<b>3.0</b>	<b>36</b>
Timeliness of Summary Judgment or Dismissal	%	3	29	34	14	7	<b>3.1</b>	<b>40</b>
Discovery	%	10	30	32	12	5	<b>3.3</b>	<b>39</b>
Scientific and Technical Evidence	%	6	30	30	12	2	<b>3.3</b>	<b>35</b>
Non-economic Damages	%	5	24	36	14	7	<b>3.1</b>	<b>42</b>
Judges' Impartiality	%	5	30	34	16	7	<b>3.1</b>	<b>44</b>
Judges' Competence	%	7	30	37	14	4	<b>3.2</b>	<b>44</b>
Juries' Predictability	%	3	25	37	17	7	<b>3.0</b>	<b>43</b>
Juries' Fairness	%	5	22	35	21	8	<b>3.0</b>	<b>43</b>
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>30</b>	<b>36</b>	<b>20</b>	<b>7</b>	<b>3.1</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=39

# of respondents who named each item

Tort reform legislation

9

Election of judges

8



**Table 64****Utah****2006 Overall Ranking: 17****Ratings on Key Elements of State Liability Systems (n=103)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	30	30	5	-	3.6	27
Overall Treatment of Tort and Contract Litigation	%	4	49	33	4	-	3.6	16
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	25	31	3	-	3.5	13
Punitive Damages	%	7	39	22	9	1	3.5	8
Timeliness of Summary Judgment or Dismissal	%	6	35	31	7	1	3.5	13
Discovery	%	3	47	32	3	1	3.6	24
Scientific and Technical Evidence	%	4	38	30	3	-	3.6	17
Non-economic Damages	%	6	40	31	3	2	3.5	9
Judges' Impartiality	%	13	42	26	4	-	3.7	19
Judges' Competence	%	12	45	24	3	-	3.8	14
Juries' Predictability	%	5	31	37	5	-	3.5	14
Juries' Fairness	%	5	34	35	3	-	3.5	19
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>6</b>	<b>44</b>	<b>36</b>	<b>4</b>	<b>-</b>	<b>3.6</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=3

# of respondents who named each item

Competency of lawyers and judges

1

Wrongful death issue

1

Favor plaintiffs

1

**Table 65****Vermont****2006 Overall Ranking: 24****Ratings on Key Elements of State Liability Systems (n=61)**

		<b>"A"</b>	<b>"B"</b>	<b>"C"</b>	<b>"D"</b>	<b>"F"</b>	<b>Mean Grade</b>	<b>Ranking Within Element</b>
Having and Enforcing Meaningful Venue Requirements	%	5	44	28	-	3	3.6	25
Overall Treatment of Tort and Contract Litigation	%	5	38	36	7	-	3.5	23
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	25	31	8	2	3.2	28
Punitive Damages	%	3	31	30	11	-	3.3	20
Timeliness of Summary Judgment or Dismissal	%	3	36	34	7	-	3.4	19
Discovery	%	10	41	26	5	-	3.7	12
Scientific and Technical Evidence	%	5	31	34	5	3	3.4	32
Non-economic Damages	%	3	36	33	8	2	3.4	22
Judges' Impartiality	%	7	44	30	5	-	3.6	26
Judges' Competence	%	10	38	33	3	-	3.6	27
Juries' Predictability	%	7	36	34	7	2	3.5	15
Juries' Fairness	%	7	36	33	8	-	3.5	20
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>7</b>	<b>36</b>	<b>36</b>	<b>8</b>	<b>-</b>	<b>3.5</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=4

# of respondents who named each item

Local/state issues/location driven

1

**Table 66****Virginia****2006 Overall Ranking: 3****Ratings on Key Elements of State Liability Systems (n=121)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	22	41	15	2	1	4.0	1
Overall Treatment of Tort and Contract Litigation	%	16	54	16	3	1	3.9	2
Treatment of Class Action Suits and Mass Consolidation Suits	%	6	40	21	2	-	3.7	2
Punitive Damages	%	7	45	22	3	1	3.7	2
Timeliness of Summary Judgment or Dismissal	%	18	38	22	6	2	3.7	2
Discovery	%	13	59	12	3	1	3.9	2
Scientific and Technical Evidence	%	13	43	17	2	1	3.9	2
Non-economic Damages	%	10	48	23	1	1	3.8	3
Judges' Impartiality	%	20	55	10	1	1	4.1	2
Judges' Competence	%	21	57	7	2	1	4.1	2
Juries' Predictability	%	5	37	36	2	2	3.5	12
Juries' Fairness	%	7	49	23	3	1	3.7	6
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>13</b>	<b>64</b>	<b>12</b>	<b>2</b>	<b>1</b>	<b>3.9</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=14

# of respondents who named each item

Timeliness for trial

5

Statutory reform

3

Table 67

## Washington

2006 Overall Ranking: 28

**Ratings on Key Elements of State Liability Systems (n=139)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	3	38	31	5	1	3.5	35
Overall Treatment of Tort and Contract Litigation	%	4	32	40	9	1	3.3	30
Treatment of Class Action Suits and Mass Consolidation Suits	%	2	19	33	6	3	3.2	35
Punitive Damages	%	Washington does not allow punitive damages in general						
Timeliness of Summary Judgment or Dismissal	%	4	33	37	6	1	3.4	23
Discovery	%	6	39	31	6	1	3.5	27
Scientific and Technical Evidence	%	4	39	27	4	1	3.6	18
Non-economic Damages	%	2	29	34	11	1	3.3	27
Judges' Impartiality	%	8	45	26	4	1	3.7	24
Judges' Competence	%	9	46	29	1	-	3.8	17
Juries' Predictability	%	1	21	45	11	1	3.1	39
Juries' Fairness	%	2	29	42	5	1	3.3	32
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>4</b>	<b>37</b>	<b>41</b>	<b>7</b>	<b>-</b>	<b>3.4</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=13

# of respondents who named each item

Statutory reform	2
Joint and several liability rules	1
Political influence/interference	1
Tort reform legislation	1
Legislature	1
Medical malpractice	1
Admissibility of expert testimony	1

Table 68

## West Virginia

2006 Overall Ranking: 50

Ratings on Key Elements of State Liability Systems (n=137)

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	1	18	27	26	10	2.7	50
Overall Treatment of Tort and Contract Litigation	%	-	13	23	37	20	2.3	50
Treatment of Class Action Suits and Mass Consolidation Suits	%	-	6	18	30	28	2.0	49
Punitive Damages	%	-	8	21	33	23	2.2	44
Timeliness of Summary Judgment or Dismissal	%	-	12	41	21	15	2.5	50
Discovery	%	-	18	38	23	10	2.7	50
Scientific and Technical Evidence	%	-	12	34	23	15	2.5	50
Non-economic Damages	%	-	9	29	31	18	2.3	50
Judges' Impartiality	%	2	1	34	26	18	2.5	49
Judges' Competence	%	2	13	35	28	12	2.6	50
Juries' Predictability	%	4	23	27	28	7	2.9	45
Juries' Fairness	%	1	14	27	31	15	2.5	48
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>-</b>	<b>12</b>	<b>28</b>	<b>34</b>	<b>20</b>	<b>2.3</b>	

ADDITIONAL ISSUES STATE SHOULD ADDRESSTOTAL

N=20

# of respondents who named each item

Election of judges

2

Tort reform legislation

2

Table 69

## Wisconsin

2006 Overall Ranking: 23

**Ratings on Key Elements of State Liability Systems (n=110)**

		"A"	"B"	"C"	"D"	"F"	Mean Grade	Ranking Within Element
Having and Enforcing Meaningful Venue Requirements	%	9	44	26	1	-	3.8	8
Overall Treatment of Tort and Contract Litigation	%	4	44	33	9	3	3.4	26
Treatment of Class Action Suits and Mass Consolidation Suits	%	3	34	29	6	4	3.3	23
Punitive Damages	%	5	28	34	11	5	3.2	26
Timeliness of Summary Judgment or Dismissal	%	7	38	33	7	3	3.5	18
Discovery	%	5	55	26	3	1	3.7	13
Scientific and Technical Evidence	%	4	40	27	4	5	3.4	28
Non-economic Damages	%	4	36	26	14	5	3.2	32
Judges' Impartiality	%	18	41	27	5	-	3.8	11
Judges' Competence	%	15	50	21	5	-	3.8	10
Juries' Predictability	%	3	48	27	5	-	3.6	5
Juries' Fairness	%	5	52	20	6	-	3.7	7
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>5</b>	<b>48</b>	<b>35</b>	<b>6</b>	<b>3</b>	<b>3.5</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=13

# of respondents who named each item

Cap on damages	2
Medical malpractice	2
Timeliness for trial	1
Reform punitive damages	1
Joint and several liability rules	1
Supreme court decisions	1

**Table 70****Wyoming****2006 Overall Ranking: 16****Ratings on Key Elements of State Liability Systems (n=66)**

		<b>"A"</b>	<b>"B"</b>	<b>"C"</b>	<b>"D"</b>	<b>"F"</b>	<b>Mean Grade</b>	<b>Ranking Within Element</b>
Having and Enforcing Meaningful Venue Requirements	%	9	26	30	8	-	3.5	32
Overall Treatment of Tort and Contract Litigation	%	11	33	32	8	-	3.6	18
Treatment of Class Action Suits and Mass Consolidation Suits	%	9	24	26	5	2	3.5	9
Punitive Damages	%	11	26	32	6	2	3.5	9
Timeliness of Summary Judgment or Dismissal	%	12	27	30	5	3	3.5	8
Discovery	%	15	32	35	-	-	3.8	6
Scientific and Technical Evidence	%	11	21	35	5	-	3.5	20
Non-economic Damages	%	11	33	26	6	5	3.5	15
Judges' Impartiality	%	18	38	24	3	-	3.9	7
Judges' Competence	%	15	35	27	5	2	3.7	24
Juries' Predictability	%	6	29	30	8	5	3.3	24
Juries' Fairness	%	14	27	29	9	-	3.6	14
<b>OVERALL STATE GRADE</b>	<b>%</b>	<b>9</b>	<b>39</b>	<b>30</b>	<b>6</b>	<b>-</b>	<b>3.6</b>	

**ADDITIONAL ISSUES STATE SHOULD ADDRESS****TOTAL**

N=1

# of respondents who named each item

Prejudice issues

1

## **APPENDIX A: METHODOLOGY**



## METHODOLOGY

---

### AN OVERVIEW

*The 2006 State Liability Systems Ranking Study* was conducted for the U.S. Chamber Institute for Legal Reform by Harris Interactive Inc. The final results are based on interviews with a nationally representative sample of 1,456 in-house general counsel or other senior litigators at companies with annual revenues of at least \$100 million. Interviews averaging 24 minutes in length were conducted by telephone and took place between November 28, 2005 and March 7, 2006.

### SAMPLE DESIGN

A representative sample of companies with annual revenues of at least \$100 million annually was drawn using a sample from IdExec primarily, and Dun & Bradstreet and InfoUSA to supplement our sample. Alert letters were sent to the general counsel at each company. In order to reach the desired number of final interviews, more letters were sent out or faxed to potential participants than the final number of completed interviews. These letters provided general information about the study, notified them that an interviewer from Harris Interactive would be contacting them and requested their participation. A copy of this letter appears in Appendix B.

The sample was segmented into two main groups. Of the 1,456 respondents, 88 were from insurance companies, with the remaining 1,368 interviews being conducted among public corporations from other industries. The proportion of interviews with insurance companies represents 6% of the total sample. Typically, in the universe of companies with \$100 million or more in revenues, insurance companies represent 6% of this population. Since property casualty insurance companies have extensive experience with state liability systems, for the purposes of this study we worked to ensure that our proportion of insurance companies matched the overall population.

Respondents had an average of 19 years of relevant legal experience (including their current position), had been with their company an average of 10.1 years, and had been in their current position an average of 6.9 years.

### TELEPHONE INTERVIEWING PROCEDURES

*The 2006 State Liability Systems Ranking Study* utilized Harris' computer-assisted telephone interviewing (CATI) system, whereby trained interviewers call and immediately input responses into the computer. This system greatly enhances reporting reliability. It reduces clerical error by eliminating the need for keypunching, since interviewers enter respondent answers directly into a computer terminal during the interview itself. This data entry program does not permit interviewers to inadvertently skip questions, since each question must be answered before the computer moves on to the next question. The data entry program also ensures that all skip patterns are correctly adhered to. The on-line data editing system refuses to accept punches that are out-of-range, it demands confirmation of responses that exceed expected ranges, and asks for explanations for inconsistencies between certain key responses.

In order to achieve high respondent participation, in addition to the alert letter, numerous telephone callbacks were made in order to reach the respondent and conduct the interview at a convenient time for the respondent.

Once a qualified respondent was identified, the respondent was first asked about their familiarity with several states. First, 24 states out of the list of 50 possible states were presented to the respondent. Within these 24 states, 17 states presented were the following: Alaska, Hawaii, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, New Hampshire, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia, Washington and Wyoming. These states were prioritized in order to get a sufficient number of evaluations, since in the past years of this study, data for these states were based on fewer evaluations. The remaining 7 states were randomly selected from the leftover states not mentioned above.

Respondents were then given the opportunity to name any other state, aside from the states already presented, and specify if they are very or somewhat familiar with that state.

If the respondent was very or somewhat familiar with a given state, the respondent was then given the opportunity to evaluate that state's liability system. The respondent had the opportunity to evaluate up to 15 states. If the respondent was familiar with any state from the list of 17 mentioned above, then that state was automatically included. If this number was less than 15, then the balance was randomly selected from the remaining group of states with which the respondent was very or somewhat familiar.

On average, each respondent evaluated 6 states.

#### **CHANGES IN RANKINGS**

**This year the rankings were adjusted in order to provide a broader reflection of state liability issues.** This year, the two new items that states are evaluated on are having and enforcing meaningful venue requirements and non-economic damages. Additionally, ratings on the treatment of class action suits also includes mass consolidation suits this year, while in prior years it did not. These changes were instituted in order to get a more inclusive score for each state, as well as fill in some of the gaps from previous years rankings.

As a result, most states' rankings have changed at least somewhat; however, some changes are more significant than others. Delaware and Nebraska continue to be ranked at the top (one and two, respectively, in both 2005 and this year), and the bottom four states (West Virginia, Mississippi, Louisiana and Alabama) remain the same, but their order has changed this year.

Changes in rank may reflect a variety of factors. First, the addition of the two factors to our rankings system has changed the parameters of the rankings. Second, the litigation environment in the state may have improved or worsened due to such factors as legal rulings, changes in the composition of the bench, or legislative or rulemaking

changes that affect litigation. Third, perceptions of the litigation environment in each state may be driven by a variety of subjective assessments such as the reputation of the courts and interviewees' experiences with individual litigation matters. Fourth, the score may have been affected by changes in sample size. This year, we kept our overall number of people interviewed the same as the previous two years. While the overall sample size for each state has remained close, there are some states that have some fluctuations. Much of this is due to overall knowledge of the state due to similar factors as those mentioned previously in this paragraph. Factors such as legal rulings or prominent court cases may have brought attention to certain states at the expense of others. This will have an impact on the states each of our respondents rank.

## **SIGNIFICANCE TESTING**

### *Reliability of Survey Percentages*

It is important to bear in mind that the results from any sample survey are subject to sampling variation. The magnitude of this variation (or error) is affected both by the number of interviews—the base size—and by the level of the percentages expressed in the results.

Table A-1 shows the possible sample variation that applies to percentage results for this survey. The chances are 95 in 100 that a survey result does not vary, plus or minus, by more than the indicated number of percentage points from the result that would have been obtained if interviews were conducted with all persons in the universe represented by the sample. For example, if the response for a sample size of 300 is 30%, then in 95 cases out of 100, the response in the total population would have been between 25% and 35% (+/-5%). Note that survey results based on subgroups of small size can be subject to large sampling error.

**Table A-1**  
**Recommended Allowance for Sampling Error of Proportions (Plus or Minus)**

	<b>Survey Percentage Result</b>				
<b>Sample Size</b>	10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
900	2	3	3	3	3
800	2	3	3	3	3
700	2	3	3	4	4
600	2	3	4	4	4
500	3	4	4	4	4
400	3	4	4	5	5
300	3	5	5	6	6
200	4	6	6	7	7
100	6	8	9	10	10
50	8	11	13	14	14

***Significance of Differences Between Proportions***

Sampling tolerances are also involved in the comparison of results from different surveys or from different parts of a sample from the same survey (subgroup analysis). Table A-2 shows the percentage difference that must be obtained before a difference can be considered statistically significant. These figures, too, represent the 95% confidence level.

To illustrate, suppose the two percentages in question are 34% and 25%. More specifically, suppose that one group of 300 has a response of 34% “yes” to a question, and an independent group has a response of 25% to the same question, for an observed difference of 9 percentage points. According to the table, this difference is subject to a potential sampling error of 6-7 percentage points. Since the observed difference is greater than the sampling error, the observed difference is significant.

**Table A-2**  
**Sampling Error of Difference Between Proportions**  
 Approximate Sampling Tolerances (at 95% Confidence Level)  
 To Use in Evaluating Differences Between Two Percentage Results

Sample Sizes	Survey Percentage Result				
	10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
900 v. 900	3	4	4	5	5
500	3	4	5	5	6
300	4	5	6	7	7
200	5	6	7	8	8
100	6	8	10	10	10
50	9	11	13	14	14
500 v. 500	4	4	6	6	6
300	4	6	7	7	7
200	6	7	8	8	8
100	7	9	10	11	11
50	9	12	13	14	15
300 v. 300	5	6	7	8	8
200	5	7	8	9	9
100	7	9	10	11	11
50	9	12	14	15	15
200 v. 200	6	8	9	10	10
100	7	10	11	12	12
50	9	12	14	15	15
100 v. 100	8	11	13	14	14
50	10	14	16	17	17
50 v. 50	12	16	18	19	20

Sampling error of the type so far discussed is only one type of error. Survey research is also susceptible to other types of error, such as refusals to be interviewed (non-response error), question wording and question order, interviewer error, and weighting by demographic control data. Although it is difficult or impossible to quantify these types of error, the procedures followed by Harris Interactive, Inc. keep errors of these types to a minimum.

## **APPENDIX B: PAST STATE RANKINGS**

Please note: The past rankings have been included in this report to provide historical information and a contextual basis for the 2006 data. As the *2006 State Rankings* include 2 new elements, we cannot directly compare previous years' rankings to this year's rankings.

Table B-1

## Overall Ranking of State Liability Systems

STATE	2005			2004			2003			2002		
	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N	RANK	SCORE	N
Delaware	1	76.0	128	1	74.4	178	1	74.5	96	1	78.6	75
Nebraska	2	69.7	98	2	69.1	81	2	69.3	44	6	65.4	61
North Dakota	3	68.5	57	16	63.8	72	6	65.1	37	25	59.4	50
Virginia	4	67.1	136	3	68.7	179	8	64.0	95	2	67.9	81
Iowa	5	66.3	155	4	68.6	80	3	68.8	61	5	65.8	63
Indiana	6	65.5	119	11	64.4	178	5	65.1	86	12	62.8	70
Minnesota	7	65.2	77	8	65.0	177	9	63.5	85	19	61.0	66
South Dakota	8	64.9	70	17	63.6	73	4	66.5	38	9	63.9	47
Wyoming	9	64.7	85	15	63.8	77	25	58.0	37	20	60.7	45
Idaho	10	64.2	61	5	66.2	81	13	61.8	37	14	62.4	53
Maine	11	64.2	80	12	64.1	79	16	60.9	39	18	61.0	53
New Hampshire	12	64.0	95	7	65.2	80	10	63.2	39	17	61.9	63
Colorado	13	63.6	93	13	63.9	179	12	62.3	78	7	65.3	73
Utah	14	63.3	144	6	65.8	82	7	64.5	55	8	64.2	62
Washington	15	63.1	94	24	60.7	178	21	59.4	85	3	66.6	71
Kansas	16	62.6	148	9	64.4	81	15	61.0	53	4	66.0	63
Wisconsin	17	62.5	143	10	64.4	178	11	62.7	74	15	62.1	66
Connecticut	18	62.0	131	18	62.5	179	17	60.3	81	10	63.4	68
Arizona	19	60.9	95	14	63.8	177	18	59.7	92	11	63.2	78
North Carolina	20	60.3	114	19	61.9	178	20	59.5	84	16	61.9	74
Vermont	21	60.3	73	20	61.5	71	19	59.6	36	21	60.6	62
Tennessee	22	59.9	102	25	60.7	176	26	57.7	76	24	59.9	66
Maryland	23	59.8	95	21	61.4	178	23	58.8	76	22	60.6	67
Michigan	24	59.6	135	23	61.3	179	29	56.3	97	28	58.2	83
Oregon	25	59.6	115	27	58.4	173	14	61.2	69	13	62.5	62
Ohio	26	59.5	178	32	57.2	187	24	58.6	98	26	59.4	100
New York	27	58.8	256	22	61.4	200	27	57.2	96	27	58.9	100
Georgia	28	58.4	170	29	57.6	180	39	52.7	93	23	59.9	100
Nevada	29	58.4	109	34	56.4	176	34	54.1	66	30	56.7	63
New Jersey	30	57.8	194	26	60.2	185	30	56.1	98	32	55.4	100
Massachusetts	31	57.8	144	28	57.7	180	22	59.1	93	36	54.0	66
Oklahoma	32	56.5	132	31	57.5	179	36	53.9	71	41	51.2	62
Alaska	33	56.4	64	33	56.5	77	32	55.8	39	37	53.8	63
Pennsylvania	34	55.5	204	30	57.5	200	31	55.9	95	31	56.2	100
Rhode Island	35	55.4	92	36	55.7	83	37	53.2	42	35	55.0	62
Kentucky	36	54.9	129	35	56.0	178	35	54.0	73	38	53.5	67
Montana	37	54.8	70	43	51.7	80	28	56.4	40	43	49.6	62
New Mexico	38	54.5	155	37	55.1	81	41	48.6	56	39	52.8	63
South Carolina	39	54.2	101	40	53.0	178	42	48.0	77	42	50.9	66
Missouri	40	51.9	121	41	52.9	178	33	55.4	89	29	56.8	75
Hawaii	41	51.5	81	39	53.7	80	43	47.8	37	40	52.0	62
Florida	42	50.9	288	38	54.1	200	40	48.6	96	33	55.2	100
Arkansas	43	50.2	169	42	52.5	82	45	44.9	57	44	49.3	63
Texas	44	49.2	287	45	49.9	200	46	41.1	97	46	45.2	100
California	45	45.5	351	46	45.2	205	44	45.6	100	45	48.6	100
Illinois	46	44.1	285	44	50.5	201	38	53.1	97	34	55.1	100
Louisiana	47	39.1	146	47	40.5	182	47	37.3	98	47	41.3	94
Alabama	48	35.9	157	48	34.3	183	48	31.6	97	48	37.8	100
West Virginia	49	33.2	107	49	31.9	176	49	30.9	79	49	35.6	65
Mississippi	50	30.7	164	50	25.7	182	50	24.8	99	50	28.4	96

\*Note: Scores displayed in this table have been rounded to one decimal point. However, when developing the ranking, scores were evaluated based on two decimal points. The column labeled “N” represents the number of evaluations for a given state.



TABLE B-2

## PRIOR STATE RANKINGS USING PAST YEARS' RANKING SYSTEM

<u>Alabama</u> 2005 = 48 2004 = 48 2003 = 48 2002 = 48	<u>Florida</u> 2005 = 42 2004 = 38 2003 = 40 2002 = 33	<u>Kentucky</u> 2005 = 36 2004 = 35 2003 = 35 2002 = 38
<u>Alaska</u> 2005 = 33 2004 = 33 2003 = 32 2002 = 37	<u>Georgia</u> 2005 = 28 2004 = 29 2003 = 39 2002 = 23	<u>Louisiana</u> 2005 = 47 2004 = 47 2003 = 47 2002 = 47
<u>Arizona</u> 2005 = 19 2004 = 14 2003 = 18 2002 = 11	<u>Hawaii</u> 2005 = 41 2004 = 39 2003 = 43 2002 = 40	<u>Maine</u> 2005 = 11 2004 = 12 2003 = 16 2002 = 18
<u>Arkansas</u> 2005 = 43 2004 = 42 2003 = 45 2002 = 44	<u>Idaho</u> 2005 = 10 2004 = 5 2003 = 13 2002 = 14	<u>Maryland</u> 2005 = 23 2004 = 21 2003 = 23 2002 = 22
<u>California</u> 2005 = 45 2004 = 46 2003 = 44 2002 = 45	<u>Illinois</u> 2005 = 46 2004 = 44 2003 = 38 2002 = 34	<u>Massachusetts</u> 2005 = 31 2004 = 28 2003 = 22 2002 = 36
<u>Colorado</u> 2005 = 13 2004 = 13 2003 = 12 2002 = 7	<u>Indiana</u> 2005 = 6 2004 = 11 2003 = 5 2002 = 12	<u>Michigan</u> 2005 = 24 2004 = 23 2003 = 29 2002 = 28
<u>Connecticut</u> 2005 = 18 2004 = 18 2003 = 17 2002 = 10	<u>Iowa</u> 2005 = 5 2004 = 4 2003 = 3 2002 = 5	<u>Minnesota</u> 2005 = 7 2004 = 8 2003 = 9 2002 = 19
<u>Delaware</u> 2005 = 1 2004 = 1 2003 = 1 2002 = 1	<u>Kansas</u> 2005 = 16 2004 = 9 2003 = 15 2002 = 4	<u>Mississippi</u> 2005 = 50 2004 = 50 2003 = 50 2002 = 50

**Missouri**

2005 = 40  
2004 = 41  
2003 = 33  
2002 = 29

**North Dakota**

2005 = 3  
2004 = 16  
2003 = 6  
2002 = 25

**Texas**

2005 = 44  
2004 = 45  
2003 = 46  
2002 = 46

**Montana**

2005 = 37  
2004 = 43  
2003 = 28  
2002 = 43

**Ohio**

2005 = 26  
2004 = 32  
2003 = 24  
2002 = 26

**Utah**

2005 = 14  
2004 = 6  
2003 = 7  
2002 = 8

**Nebraska**

2005 = 2  
2004 = 2  
2003 = 2  
2002 = 6

**Oklahoma**

2005 = 32  
2004 = 31  
2003 = 36  
2002 = 41

**Vermont**

2005 = 21  
2004 = 20  
2003 = 19  
2002 = 21

**Nevada**

2005 = 29  
2004 = 34  
2003 = 34  
2002 = 30

**Oregon**

2005 = 25  
2004 = 27  
2003 = 14  
2002 = 13

**Virginia**

2005 = 4  
2004 = 3  
2003 = 8  
2002 = 2

**New Hampshire**

2005 = 12  
2004 = 7  
2003 = 10  
2002 = 17

**Pennsylvania**

2005 = 34  
2004 = 30  
2003 = 31  
2002 = 31

**Washington**

2005 = 15  
2004 = 24  
2003 = 21  
2002 = 3

**New Jersey**

2005 = 30  
2004 = 26  
2003 = 30  
2002 = 32

**Rhode Island**

2005 = 35  
2004 = 36  
2003 = 37  
2002 = 35

**West Virginia**

2005 = 49  
2004 = 49  
2003 = 49  
2002 = 49

**New Mexico**

2005 = 38  
2004 = 37  
2003 = 41  
2002 = 39

**South Carolina**

2005 = 39  
2004 = 40  
2003 = 42  
2002 = 42

**Wisconsin**

2005 = 17  
2004 = 10  
2003 = 11  
2002 = 15

**New York**

2005 = 27  
2004 = 22  
2003 = 27  
2002 = 27

**South Dakota**

2005 = 8  
2004 = 17  
2003 = 4  
2002 = 9

**Wyoming**

2005 = 9  
2004 = 15  
2003 = 25  
2002 = 20

**North Carolina**

2005 = 20  
2004 = 19  
2003 = 20  
2002 = 16

**Tennessee**

2005 = 22  
2004 = 25  
2003 = 26  
2002 = 24

## **APPENDIX C: ALERT LETTER AND QUESTIONNAIRE**

November 18, 2005

[NAME]  
[COMPANY]  
[ADDRESS1]  
[ADDRESS2]  
[ADDRESS3]  
CITY], [STATE] [ZIP]

Dear [NAME]:

The U.S. Chamber Institute for Legal Reform has asked Harris Interactive, an independent survey research firm, to repeat an important annual study that examines state liability systems across America. You may have participated in one of the earlier surveys. Or, you may have seen some of the substantial media attention about the study in national newspapers and numerous legal journals.

This year your participation is just as critical because we have selected only a small sample of attorneys to share their opinions. Within the next few days, you will be contacted for an opportunity to participate in this important study and we would appreciate your taking a few minutes to respond.

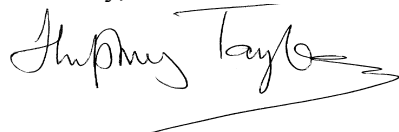
The purpose of this study is to see how state civil justice systems across America are perceived by corporate decision-makers, such as you, in terms of their reasonableness, fairness and predictability. As in previous years, the results of this research will be shared with key state policy makers and those who care about economic development in their state to help inform them about how they are viewed in relation to other states. The research has played an important role in encouraging state legislators and judges to re-evaluate the condition of their state liability system and stimulate discussion on how states might improve their litigation environments.

Your answers will be kept confidential and will be used only in combination with those of other survey participants. *To thank you for your participation, we will be sharing an executive summary of the findings with survey respondents.*

We will be calling you within the next few days, but in the meantime, if you have any questions or would like to schedule a time to speak with us, please feel free to call us at 1-800-716-0694 with the reference number that appears at the bottom of this letter. Thank you.

The views, opinions and experiences of attorneys like you have made this study a resounding success in past years. Anticipating your cooperation, I'd like to thank you for your help.

Sincerely,



Humphrey Taylor  
Chairman  
The Harris Poll  
Reference #: [SAMPLE\_ID]

**HARRIS INTERACTIVE INC.**  
**161 Sixth Avenue**  
**New York, New York 10003**

**J25259**

**December 06, 2005**

**LIABILITY SYSTEMS RANKING SURVEY**  
**US CHAMBER OF COMMERCE**

**Project Manager: Regina Corso / Gwen Radsch**  
**Email: rcorso@harrisinteractive.com**  
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**CSM: Kerry Esquivel**  
**Email: KEsquivel@harrisinteractive.com**  
**Phone: (801) 226-1524**

**Field Period: November 1, 2005 – January 10, 2006**

J:\US\NYC\25xxx\252xx\25259 US State Rankings 2006\Edit Master\25259\_EM(111405).doc

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**SUBJECTS FOR QUESTIONNAIRE**

SECTION 200: INTRODUCTION/SCREENING QUESTIONS  
SECTION 300: STATE FAMILIARITY ASSESMENT  
SECTION 400: STATE EVALUATIONS  
SECTION 100: DEMOGRAPHICS

**Template:**

HI

[PROGRAMMER NOTE: PLEASE ENSURE (V) THAT ALL MISSING DATA IS REPRESENTED IN SPSS DATA SET AS OUT OF RANGE NEGATIVE NUMBERS]

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**SECTION 200: INTRODUCTION/SCREENING QUESTIONS**

BASE: ALL RESPONDENTS

**Q200** Hello, may I please speak to\_\_\_\_\_?

[PROGRAMMER NOTE: REFERENCE ABOVE NAME FROM SAMPLE OR FROM Q211.]

(828)

- |   |                       |             |
|---|-----------------------|-------------|
| 1 | Continue              | ASK Q205    |
| 2 | Not available         | [CALL BACK] |
| 8 | Not Sure (v)          | [CALL BACK] |
| 9 | Decline to answer (v) | [REFUSAL]   |

**BASE: ALL RESPONDENTS**

**Q205** Hello, I'm \_\_\_\_\_ from *The Harris Poll*. We have been commissioned by the United States Chamber of Commerce to conduct a survey among attorneys and would like to include your opinions. This study will examine state liability systems and will take about 15 minutes of your time. To thank you for your qualified participation in this study, we would like to send you an executive summary of the findings. Is this a convenient time for you? If not, we'd be glad to call you back at another time.

(INTERVIEWER NOTE: IF RESPONDENT SAYS NOW IS NOT CONVENIENT, ASK: "WOULD YOU LIKE TO SET UP ANOTHER TIME, OR IF YOU PREFER, YOU CAN CALL US WHEN YOU WOULD LIKE TO COMPLETE THE SURVEY?")

(INTERVIEWER NOTE: IF NECESSARY SAY, BECAUSE ONLY A SMALL SAMPLE OF SENIOR CORPORATE COUNSEL HAVE BEEN SELECTED, YOUR REPLY IS MOST IMPORTANT TO THE SUCCESS OF THIS SURVEY. YOUR ANSWERS WILL BE KEPT CONFIDENTIAL AND WILL BE USED ONLY IN AGGREGATE WITH THOSE OF OTHER SURVEY PARTICIPANTS.)

(INTERVIEWER NOTE: IF NECESSARY SAY, "WE RECENTLY SENT YOU AN ALERT LETTER ABOUT THE SURVEY." IF REQUESTED, THE LETTER CAN BE EMAILED OR FAXED TO RESPONDENT.)

(829)

- |   |   |                |
|---|---|----------------|
| 1 | Yes convenient, continue                        |                |
| 2 | No, not convenient now                          | [CALL BACK]    |
| 8 | Not Sure (v)                                    | [CALL BACK]    |
| 9 | Don't want to participate/Decline to Answer (v) | [JUMP TO Q210] |

**BASE: ALL CONTINUING RESPONDENTS (Q205/1)**

1 **Q105** What is your job title? (DO NOT READ LIST)

(2904,2905)

(2459)

- |    |                          |                |
|----|--------------------------|----------------|
| 01 | General Counsel          | [JUMP TO Q110] |
| 02 | Head of Litigation       | [JUMP TO Q110] |
| 03 | Senior counsel/litigator | [JUMP TO Q110] |
| 04 | Paralegal                | [JUMP TO Q210] |
| 05 | Legal Secretary          | [JUMP TO Q210] |
| 07 | IT                       | [JUMP TO Q210] |
| 08 | HR                       | [JUMP TO Q210] |
| 06 | Other [SPECIFY AT Q107]  | [ASK Q107]     |
| 98 | Not sure (v)             | [JUMP TO Q108] |
| 99 | Decline to answer (v)    | [JUMP TO Q108] |

**BASE: GAVE OTHER JOB TITLE (Q105/6 OR 8)**

2 **Q107** (ENTER OTHER JOB TITLE)

[TEXT BOX]

**BASE: OTHER RELEVANT LEGAL TITLE IN Q107(105/6 OR 8)**

**Q108** ARE YOU AWARE OF THE PERTINENT LEGAL ISSUES YOUR COMPANY, ON A WHOLE, IS INVOLVED IN?

- |   |                   |                |
|---|-------------------|----------------|
| 1 | YES, CONTINUE     | [ASK Q110]     |
| 2 | NO                | [JUMP TO Q210] |
| 8 | NOT SURE          | [JUMP TO Q210] |
| 9 | DECLINE TO ANSWER | [JUMP TO Q210] |

**BASE: ALL CONTINUING RESPONDENTS**

3 **Q110** How long have you been in your current position? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR "NOT SURE (V)" AND 99 FOR "DECLINE TO ANSWER.")

(2908,2909)

|\_|\_| [RANGE: 0-50, 98, 99]  
(2463-2464)

**BASE: ALL CONTINUING RESPONDENTS**

4 **Q115** Including your current position, how many years of relevant legal experience do you have? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR "NOT SURE (V)" AND 99 FOR "DECLINE TO ANSWER.")

(2911,2912)

|\_|\_| [RANGE: 0-50, 98, 99]  
(2465-2466)

BASE: DOES NOT WANT TO TAKE SURVEY OR IS NOT AWARE OF PERTINENT LEGAL ISSUES OF COMPANY (Q205/9 OR Q108/2)

**Q210** Can you connect me to an attorney in your company who might be interested in completing the survey?

(INTERVIEWER NOTE: SCREEN FOR THE FOLLOWING JOB DESCRIPTIONS FOR ATTORNEYS: GENERAL COUNSEL, HEAD OF LITIGATION, OR A SENIOR, EXPERIENCED LITIGATOR, BUT YOU MAY ACCEPT OTHER SENIOR LEVEL TITLES.)

(830)

- |   |                       |                 |
|---|-----------------------|-----------------|
| 1 | Yes                   | [JUMP TO Q212]  |
| 2 | No                    | [END INTERVIEW] |
| 8 | Not sure (v)          | [ASK Q211]      |
| 9 | Decline to answer (v) | [REFUSAL]       |

BASE: NOT SURE WHO TO REFER TO (Q210/8)

**Q211** Can you connect me to someone in your company who might know who would be interested in completing the survey?

(827)

- |   |                       |                 |
|---|-----------------------|-----------------|
| 1 | Yes                   | [JUMP TO Q205]  |
| 2 | No                    | [END INTERVIEW] |
| 8 | Not sure (v)          | [END INTERVIEW] |
| 9 | Decline to answer (v) | [REFUSAL]       |

BASE: DOES NOT WANT TO TAKE SURVEY BUT REFER OTHER (Q205/9, Q210/1)

**Q212** May I please have this attorney's name and title?

NAME: [TEXT BOX]

(INTERVIEWER NOTE: SCREEN FOR THE FOLLOWING JOB DESCRIPTIONS FOR ATTORNEYS: GENERAL COUNSEL, HEAD OF LITIGATION, OR A SENIOR, EXPERIENCED LITIGATOR)

**Q213** TITLE: [TEXT BOX]

**BASE: DOES NOT WANT TO TAKE SURVEY BUT REFER OTHER (Q205/9, Q210/1)**

**Q214** Thank you for your assistance.

(INTERVIEWER NOTE: UNLESS ORIGINAL RESPONDENT OFFERS TO CONNECT YOU, HANG UP AND CALL BACK, ASKING FOR NEW RESPONDENT BY NAME.)

[JUMP TO Q200.]

PROGRAMMER NOTE: ANYONE WHO AGREES TO CONTINUE IN Q205/1 IS A QUALIFIED RESPONDENT
--

**BASE: ALL QUALIFIED RESPONDENTS**

**Q215** Overall, how would you describe the fairness and reasonableness of state court liability systems in America – excellent, pretty good, only fair, or poor?

**(838)**

- 1 Excellent
- 2 Pretty good
- 3 Only Fair
- 4 Poor
- 8 Not sure (v)
- 9 Decline to answer (v)



**SECTION 300: STATE FAMILIARITY ASSESSMENT**

BASE: ALL QUALIFIED RESPONDENTS

**Q300** Thinking about the state court system, how familiar are you with the CURRENT litigation environment in [INSERT STATE RANDOMLY SELECTED FROM 1-50 BELOW]? Would you say you are very familiar, somewhat familiar, not very familiar or not at all familiar?

<b>Q301</b>	1	2	3	4	8	9
	Very	Somewhat	Not	Not	Not	Decline to
	<u>Familiar</u>	<u>Familiar</u>	<u>Very</u>	<u>At All</u>	<u>Sure (v)</u>	<u>Answer (v)</u>
			<u>Familiar</u>	<u>Familiar</u>		

[PRIORITY SELECT 24 STATES USING THE FOLLOWING PROCESS: 17 OF THE STATES SHOULD BE: ALASKA, HAWAII, IDAHO, IOWA, KANSAS, MAINE, MONTANA, NEBRASKA, NEW HAMPSHIRE, NORTH DAKOTA, RHODE ISLAND, SOUTH DAKOTA, UTAH, VERMONT, WEST VIRGINIA, WASHINGTON, WYOMING. THE OTHER 7 STATES SHOULD BE RANDOMLY SELECTED FROM THE REMAINING STATES.]

[PROGRAMMER NOTE: FOR CALIFORNIA, ILLINOIS, NEW YORK AND TEXAS, QUOTAS HAVE BEEN SET THAT SHOULD BE BASED ON HOW MANY ARE "VERY OR SOMEWHAT FAMILIAR" WITH EACH STATE. ONCE THIS MANY ARE "VERY OR SOMEWHAT FAMILIAR" WITH THAT STATE, THE STATE SHOULD NOT BE SELECTED.]

(845)1	Alabama	2170
(846)2	Alaska	2102
(847)3	Arizona	2174
(848)4	Arkansas	2106
(849)5	California [QUOTA N=300]	2178
(850)6	Colorado	2182
(851)7	Connecticut	2186
(852)8	Delaware	2190
(853)9	Florida [QUOTA N=200]	2194
(854)10	Georgia	2198
(855)11	Hawaii	2110
(856)12	Idaho	2114
(857)13	Illinois [QUOTA N=200]	2202
(858)14	Indiana	2206
(859)15	Iowa	2118
(860)16	Kansas	2122
(861)17	Kentucky	2210
(862)18	Louisiana	2214
(863)19	Maine	2126
(864)20	Maryland	2218
(865)21	Massachusetts	2222
(866)22	Michigan	2226
(867)23	Minnesota	2230
(868)24	Mississippi	2234
(869)25	Missouri	2238
(870)26	Montana	2130
(871)27	Nebraska	2134
(872)28	Nevada	2242
(873)29	New Hampshire	2138
(874)30	New Jersey	2246
(875)31	New Mexico	2142
(876)32	New York [QUOTA N=200]	2250
(877)33	North Carolina	2254

(878)34	North Dakota	2146
(879)35	Ohio	2258
(880)36	Oklahoma	2262
(908)37	Oregon	2266
(909)38	Pennsylvania [QUOTA N=200]	2270
(910)39	Rhode Island	2150
(911)40	South Carolina	2274
(912)41	South Dakota	2154
(913)42	Tennessee	2278
(914)43	Texas [QUOTA N=200]	2282
(915)44	Utah	2158
(916)45	Vermont	2162
(917)46	Virginia	2286
(918)47	Washington	2290
(919)48	West Virginia	2294
(920)49	Wisconsin	2298
(921)50	Wyoming	2166

BASE: ALL QUALIFIED RESPONDENTS

**Q305** Besides those we just asked about, with which other state court systems are you very or somewhat familiar? (DO NOT READ LIST)

(INTERVIEWER NOTE: PROBE FOR ALL STATES THEY ARE VERY OR SOMEWHAT FAMILIAR WITH)

[PROGRAMMER NOTE: DO NOT DISPLAY 24 SELECTED STATES FROM Q300.]

[MULTIPLE RECORD]

(2343,2344) (2345,2346) (2347,2348) (2349,2350) (2351,2352) (2353,2354) (2355,2356) (2357,2358) (2359,2360) (2361,2362)  
(2363,2364) (2365,2366) (2367,2368) (2369,2370) (2371,2372) (2373,2374) (2375,2376) (2377,2378) (2379,2380) (2381,2382)  
(2383,2384) (2385,2386) (2387,2388) (2389,2390) (2391,2392) (2393,2394) (2395,2396) (2397,2398) (2399,2400) (2401,2402)  
(2403,2404) (2405,2406) (2407,2408) (2409,2410) (2411,2412) (2413,2414) (2415,2416) (2417,2418) (2419,2420) (2421,2422)

**(922)**

- 1 Alabama
- 2 Alaska
- 3 Arizona
- 4 Arkansas
- 5 California
- 6 Colorado
- 7 Connecticut
- 8 Delaware
- 9 Florida

**(923)**

- 10 Georgia
- 11 Hawaii
- 12 Idaho
- 13 Illinois
- 14 Indiana
- 15 Iowa
- 16 Kansas
- 17 Kentucky
- 18 Louisiana
- 19 Maine

**(924)**

- 20 Maryland
- 21 Massachusetts
- 22 Michigan
- 23 Minnesota
- 24 Mississippi
- 25 Missouri
- 26 Montana

- 27 Nebraska
- 28 Nevada
- 29 New Hampshire
- (925)**
- 30 New Jersey
- 31 New Mexico
- 32 New York
- 33 North Carolina
- 34 North Dakota
- 35 Ohio
- 36 Oklahoma
- 37 Oregon
- 38 Pennsylvania
- 39 Rhode Island
- (926)**
- 40 South Carolina
- 41 South Dakota
- 42 Tennessee
- 43 Texas
- 44 Utah
- 45 Vermont
- 46 Virginia
- 47 Washington
- 48 West Virginia
- 49 Wisconsin
- (927)**
- 50 Wyoming
- 51 None of these (v) E
- (922)**
- 97 Not sure (v) E
- 98 Decline to answer (v) E

**BASE: RESPONDENTS WHO MENTION 1 OR MORE STATES IN Q305**

**Q310** And would you say you are very familiar or somewhat familiar with [INSERT FIRST/NEXT STATE MENTIONED IN 305]'s state court systems?

- 1 Very familiar
- 2 Somewhat familiar

**[FROM ALL STATES THAT RESPONDENT IS VERY OR SOMEWHAT FAMILIAR WITH  
[Q300/1-50 AND Q301/1,2) AND/OR (Q305/1-50)], PRIORITY SELECT UP TO 15 STATES WITH LOWEST COUNTS TO DATE FOR EVALUATION IN SECTION 400. IN THIS SELECTION, ALL SMALL STATES – THOSE LISTED IN PROGRAMMER NOTE ABOVE Q300 – SHOULD BE INCLUDED IN THIS PRIORITY SELECT. THE REMAINING STATES NEEDED TO TOTAL TO 15 SHOULD BE RANDOMLY SELECTED FROM THE STATES LEFTOVER AFTER THE SMALL STATES HAVE BEEN INCLUDED. IF VERY OR SOMEWHAT FAMILIAR WITH ANY STATE**

**SECTION 400: STATE EVALUATIONS**

[PROGRAMMER NOTE: ASK Q400-420 UP TO 15 TIMES FOR EACH STATE PRIORITY SELECTED FROM (Q300/1-50 & Q301/1,2) & Q305/1-50.]

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))**

**Q400** Now I'd like to ask for your opinions about [IF VERY OR SOMEWHAT FAMILIAR WITH ONLY ONE STATE SHOW "the state"; OTHERWISE SHOW "some of the states"] with which you are familiar. I'm going to read a number of key elements of state liability systems. For each item, I'd like you to grade [INSERT STATE] on how well you think they are doing.

[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1<sup>ST</sup> STATE; FOR EACH SUBSEQUENT STATE SHOW: "Now, I'd like you to grade [INSERT STATE] on how well you think they are doing."

An "A" means they are doing "an excellent job at creating a fair and reasonable litigation environment" and an "F" means that they are doing "a failing job at creating a fair and reasonable environment". How would you grade [INSERT STATE] on (READ EACH ITEM) . . . "A", "B", "C", "D", or "F"?

(INTERVIEWER NOTE: READ ABOVE SCALE, THAT IS THE PARAGRAPH ABOVE, ONLY AS MANY TIMES AS NECESSARY)

<b>Q401</b>	1	2	3	4	5	8	9
	"A"	"B"	"C"	"D"	"F"	Not Sure (v)	Decline to Answer (v)

[RANDOMIZE]

- 1 Having and enforcing meaningful venue requirements
- 2 Overall treatment of tort and contract litigation
- 3 Treatment of class action suits and mass consolidation suits
- 4 Punitive damages
- 5 Timeliness of summary judgment or Dismissal
- 6 Discovery
- 7 Scientific and technical evidence
- 8 Non-economic damages

**SEE EXCEL SPREADSHEET**

<b>Q401</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>1</b>	2654	2671	2688	2705	2722	2739	2756	2773	2790	2807	2824	2841
<b>2</b>	2655	2672	2689	2706	2723	2740	2757	2774	2791	2808	2825	2842
<b>3</b>	2656	2673	2690	2707	2724	2741	2758	2775	2792	2809	2826	2843
<b>4</b>	2657	2674	2691	2708	2725	2742	2759	2776	2793	2810	2827	2844
<b>5</b>	2658	2675	2692	2709	2726	2743	2760	2777	2794	2811	2828	2845
<b>6</b>	2659	2676	2693	2710	2727	2744	2761	2778	2795	2812	2829	2846

12 states	A1	A2	A3	A4	A5	A6
	2624,2625	2626,2627	2628,2629	2630,2631	2632,2633	2634,2635
	A7	A8	A9	A10	A11	A12
	2636,2637	2638,2639	2640,2641	2642,2643	2644,2645	2646,2647

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))****Q405** Using the same scale, I'd like you to think now about the effectiveness of some key people who implement this system.[PROGRAMMER NOTE: SHOW ABOVE TEXT ONLY FOR 1<sup>ST</sup> STATE]

How would you grade [INSERT STATE] on (READ EACH ITEM) . . . "A", "B", "C", "D", or "F"?

(INTERVIEWER READ FOR 1<sup>ST</sup> STATE . FOR ADDITIONAL STATES READ ONLY IF NECESSARY: Again, an "A" means they are doing "an excellent job at creating a fair and reasonable litigation environment" and an "F" means that they are doing "a failing job at creating a fair and reasonable environment." How would you grade [INSERT STATE] on (READ EACH ITEM) . . . "A", "B", "C", "D", or "F"?)

<b>Q406</b>	1	2	3	4	5	8	9
	"A"	"B"	"C"	"D"	"F"	Not Sure (v)	Decline to Answer (v)

[RANDOMIZE]

- 1 Judges' impartiality
- 2 Judges' competence
- 3 Juries' predictability
- 4 Juries' fairness

**SEE EXCEL SPREADSHEET**

	1	2	3	4	5	6	7	8	9	10	11	12
1	2661	2678	2695	2712	2729	2746	2763	2780	2797	2814	2831	2848
2	2662	2679	2696	2713	2730	2747	2764	2781	2798	2815	2832	2849
3	2663	2680	2697	2714	2731	2748	2765	2782	2799	2816	2833	2850
4	2664	2681	2698	2715	2732	2749	2766	2783	2800	2817	2834	2851

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))****Q410** Is there any other key element that you think is critical to [INSERT STATE]'s liability system?

1	2	3	4	5	6	7	8	9	10	11	12
2665	2682	2699	2716	2733	2750	2767	2784	2801	2818	2835	2852

- 1 Yes [ASK Q412]
- 2 No [JUMP TO Q420]
- 8 Not sure (v) [JUMP TO Q420]
- 9 Decline to answer (v) [JUMP TO Q420]

**BASE: GAVE OTHER KEY ELEMENT (Q410/1)****Q412** What is that other element critical to [INSERT STATE]'s liability system?

[TEXT BOX]

**BASE: GAVE OTHER KEY ELEMENT (Q410/1)**

**Q415** What grade would you give them on this element?

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
2668	2685	2702	2719	2736	2753	2770	2787	2804	2821	2838	2855

- 1 "A"
- 2 "B"
- 3 "C"
- 4 "D"
- 5 "F"
- 8 Not sure (v)
- 9 Decline to answer (v)

**BASE: VERY OR SOMEWHAT FAMILIAR WITH AT LEAST ONE STATE (AT LEAST 1 FROM Q305/1-50 OR (Q300/1-50 & Q301/1,2))**

**Q420** Overall, what grade would you give [INSERT STATE]?

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
2669	2686	2703	2720	2737	2754	2771	2788	2805	2822	2839	2856

- 1 "A"
- 2 "B"
- 3 "C"
- 4 "D"
- 5 "F"
- 8 Not sure (v)
- 9 Decline to answer (v)

BASE: ALL QUALIFIED RESPONDENTS

**Q435** What do you think is the SINGLE MOST IMPORTANT ISSUE that state policy makers who care about economic development should focus on to improve the litigation environment in their states?

[TEXT BOX].

**BASE: ALL QUALIFIED RESPONDENTS q440 removed**

**Q441** How likely would you say it is that the litigation environment in a state could affect an important business decision at your company such as where to locate or do business? Would you say very likely, somewhat likely, somewhat unlikely or very unlikely?

- 1 Very likely
- 2 Somewhat likely
- 3 Somewhat unlikely
- 4 Very unlikely
- 8 Not sure (v)
- 9 Decline to answer (v)

**BASE: ALL QUALIFIED RESPONDENTS**

**Q445** Thinking about the entire country, what do you think are the five worst city or county courts. That is, which city or county courts have the LEAST fair and reasonable litigation environment for both defendants and plaintiffs? (INTERVIEWER NOTE: IF NECESSARY SAY: A JURISDICTION CAN BE DEFINED AS A COUNTY OR CITIES.)

[PROGRAMMER NOTE: CAN ACCEPT UP TO 5 RESPONSES]

[TEXT BOX: 1<sup>ST</sup> MENTION] (2880,2881)

[TEXT BOX: 2<sup>ND</sup> MENTION] (2882,2883)

[TEXT BOX: 3<sup>RD</sup> MENTION] (2884,2885)

[TEXT BOX: 4<sup>TH</sup> MENTION] (2886,2887)

[TEXT BOX: 5<sup>TH</sup> MENTION] (2888,2889)

[PROGRAMMER NOTE: ASK Q447 FOR EACH STATE PRIORITY SELECTED FROM (Q300/1-50 & Q301/1,2) & Q305/1-50 AND ASKED IN Q400 – Q420.]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q446** Why do you say [INSERT 1<sup>ST</sup> MENTION FROM Q445] has the LEAST fair and reasonable litigation environment for both defendants and plaintiffs?

[INTERVIEWER RECORD VERBATIM RESPONSE]

**BASE: RESPONDENTS WHO HAVE RATED STATES IN Q400 – Q420**

**Q447** When was the last time you were involved in, or very familiar with, litigation in [INSERT EACH STATE PRIORITY SELECTED from (Q300/1-50 & Q301/1,2) & Q305/1-50]

- 1 WITHIN THE PAST 12 MONTHS
- 2 1 – 2 YEARS AGO
- 3 2 – 3 YEARS AGO
- 4 MORE THAN 3 YEARS AGO
- 5 DON'T KNOW/REFUSED (DO NOT READ)

**SEE EXCEL SPREADSHEET**

SECTION 100: DEMOGRAPHICS

**BASE: ALL QUALIFIED RESPONDENTS**

**Q100** Finally, I have a few questions to help us classify your responses. How many years have you been with your company? (INTERVIEWER NOTE: ENTER 0 for LESS THAN 1 YEAR, ENTER 98 FOR “NOT SURE (V)” AND 99 FOR “DECLINE TO ANSWER.”)

(2899,2900)

[RANGE: 0-50, 98, 99]

(2454-2455)

**BASE: ALL QUALIFIED RESPONDENTS**

**Q103** What is your company's primary industry? (DO NOT READ LIST)

(2901,2902)

(2456)

- 1 Agriculture, Forestry & Fishing
- 2 Mining
- 3 Construction
- 4 Manufacturing
- 5 Transportation, Communication, Gas & Sanitary services
- 6 Wholesale trade
- 7 Retail trade
- 8 Finance
- 9 Insurance

(2457)

- 10 Real estate
- 11 Business services
- 12 Professional Services
- 13 Public administration
- 14 Other

(2458)

- 98 Not sure (v)
- 99 Decline to answer (v)

**BASE: ALL QUALIFIED RESPONDENTS**

**Q120** Where is your company's principal place of business?

[TEXT BOX]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q130** Where are YOU primarily located?

[TEXT BOX]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q121** To thank you for your participation in this survey, we are sharing an executive summary of the key findings with interested respondents. Would you like us to send this to you?

(2470)

- 1 Yes, would like to get executive summary [ASK Q122]
- 2 No, do not want to get executive summary [JUMP TO Q125]
- 8 Not sure (v) [JUMP TO Q125]
- 9 Decline to answer (v) [JUMP TO Q125]



**BASE: WOULD LIKE EXECUTIVE SUMMARY (Q121/1)**

**Q122** The executive summary will be available after the completion of the study. In order to send it to you, I'd like to confirm your address. (READ AND CONFIRM ADDRESS BELOW) Is this correct?

[DISPLAY ADDRESS FROM SAMPLE]

**(2471)**

- |   |                       |                |
|---|-----------------------|----------------|
| 1 | Yes, address correct  | [JUMP TO Q125] |
| 2 | No, not correct       | [ASK Q123]     |
| 8 | Not sure (v)          | [JUMP TO Q125] |
| 9 | Decline to answer (v) | [JUMP TO Q125] |

**BASE: ADDRESS NOT CORRECT (Q122/2)**

**Q123** May I please have your correct mailing address?

ADDRESS LINE 1: [TEXT BOX]

ADDRESS LINE 2: [TEXT BOX]

CITY: [TEXT BOX]

STATE: [TEXT BOX]

ZIP: [TEXT BOX]

**BASE: ALL QUALIFIED RESPONDENTS**

**Q125** Thank you very much for your participation in this Harris Poll. We appreciate your sharing your perspective with us.

**BASE: ALL RESPONDENTS**

**Q60** [HIDDEN QUESTION-NOT SEEN ON SCREEN]

[QUALIFIED RESPONDENT MUST BE SOMEONE WHO AGREED TO CONTINUE AT Q205/1]

**(2647)**

- 1 Qualified Complete
- 2 Non-qualified Complete